



South Northamptonshire Local Area Planning Committee

A meeting of the South Northamptonshire Local Area Planning Committee will be held at the The Forum, Moat Lane, Towcester, NN12 6AD on Thursday 4 November 2021 at 2.15 pm

Agenda

1.	Apologies for Absence and Appointment of Substitute Members
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Minutes (Pages 5 - 20) To confirm the Minutes of the meeting of the Committee held on 5 October 2021.
4.	Chair's Announcements To receive communications from the Chair.

Planning Applications	
5.	Land Adjacent to Tesco, Old Tiffield Road, Towcester (Pages 23 - 36)
6.	Land Rear of Denbrook, Weedon Road, Nether Heyford (Pages 37 - 64)
7.	Urgent Business The Chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.

Catherine Whitehead
Proper Officer
27 October 2021

South Northamptonshire Local Area Planning Committee Members:

Councillor Stephen Clarke (Chair)	Councillor Ken Pritchard (Vice-Chair)
Councillor Anthony S. Bagot-Webb	Councillor Dermot Bambridge
Councillor William Barter	Councillor Maggie Clubley
Councillor Karen Cooper	Councillor Alison Eastwood
Councillor Lisa Samiotis	

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

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Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods, Democratic Services via the following:

Tel: 01327 322043

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

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

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South Northamptonshire Local Area Planning Committee

Minutes of a meeting of the South Northamptonshire Local Area Planning Committee held at The Forum, Moat Lane, Towcester, NN12 6AD on Tuesday 5 October 2021 at 2.15 pm.

Present: Councillor Ken Pritchard (Vice Chair, in the Chair)
Councillor Anthony S. Bagot-Webb
Councillor Dermot Bambridge
Councillor William Barter
Councillor Maggie Clubley
Councillor Karen Cooper
Councillor Alison Eastwood
Councillor Lisa Samiotis

Substitute Members: Councillor Rosie Herring (For Councillor Stephen Clarke)

Apologies for Absence: Councillor Stephen Clarke (Chair)

Officers: Emily Shaw, General Planning Team Manager
Clare Caldwell, Principal Planning Officer (for WNS/2021/1091/MAF)
Geraldine Hardcastle, Planning Officer (for WNS/2021/0707/OUT and WNS/2021/0625/MAF)
Justin Price-Jones, Planning Solicitor
Richard Woods, Democratic Services Officer

14. Declarations of Interest

18. Land North of Blackmires Lane, Silverstone

Councillor Dermot Bambridge, Non-Statutory Interest, as a Member of Silverstone Parish Council which had been consulted on the application.

15. Minutes

The minutes of the meeting of the Committee held on 9 September 2021 were agreed as a correct record and signed by the Chair.

16. Chair's Announcements

The Chair made the following announcements:

1. Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. Only those people who had registered, in line with the Committee's speaking procedure, could address the Committee. Members of the public were requested not to call out during the Committee's discussions on any item.
3. There were no planned fire drills so if the alarm did sound, evacuation instructions would be given by officers.
4. That mobile phones should please be switched off.

17. Land West of Boundary Road, Brackley

The Committee considered application WNS/2021/1091/MAF for the erection of commercial units (Use Classes E(g)(iii), B2 and B8) together with access, parking and landscaping at Land West of Boundary Road, Brackley for Chancerygate (No. 9) Limited.

George Dickens, the applicant, addressed the Committee in support of the application.

In reaching its decision, the Committee considered the officer's report and presentation, the address of the public speaker, and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/1091/MAF subject to:
 1. The resolution of outstanding matters and no objections from the Lead Local Flood Authority.
 2. The completion of a Planning Obligation under Section 106 (unilateral undertaking) of the Town and County Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) to secure the following:
 - a) Payment of a financial contribution towards the West Northamptonshire Employment Support Service (WNESS) of £25,500.00.
 3. The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- Site Location Plan Drg No 041.80.01 Rev C dated 21.10.20
- Proposed Site Layout Plan Drg No 041.80.05 dated 21.10.2020
- Proposed Wider Area Site Layout Fencing Drg No 041.80.04 FG dated 02.07.2021
- Proposed Wider Area Site Layout Drg No 041.80.04 dated 04.05.2021
- Proposed Floor and Roof Plans Block A Drg No 041.80.12 dated 10.05.2021
- Proposed Floor and Roof Plans Block B Drg No 041.80.13 dated 10.05.2021
- Proposed Floor and Roof Plans Block C Drg No 041.80.14 dated 10.05.2021
- Proposed Floor and Roof Plans Block D Drg No 041.80.15 dated 10.05.2021
- Proposed Elevations Sheets 1 and 2 Drg Nos 041.80.10 and 041.80.11 dated 05.02.2021
- Proposed Site Sections Drg Nos 014.80.19 and 041.80.20 Rev A dated 06.05.2021 and 02.02.2021 respectively
- Soft Landscaping Planting Plan Drg no 04 dated 06.2021
- Schedule of External Materials dated 28th June 2021
- External Lighting Assessment 6096-CBC-AS-LA-001-REV002
- Energy and Sustainability Statement dated 13th July 2021 ref 6096-CBC-HM-RP-Z-001-P04
- Framework Travel Plan June 2021
- Construction Environmental Management Rev 2 received 29th September 2021
- Phase I/II Geo-environmental site assessment 414334.0000.0000 dated December 2020 prepared by TRC Companies Ltd

Reason : To clarify the permission and for the avoidance of doubt.

Compliance with ecological appraisal

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal by Ecology Solutions dated July 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Dust mitigation measures

4. The development shall proceed in accordance with the construction dust mitigation measures outlined in paragraph 6.1 of the Air Quality Assessment ref 437651.0000.0000 prepared by TRC dated July 2021.

Reason: To minimise potential adverse impacts from construction dust in accordance with Policy SS2 of the South Northamptonshire Local Plan Part 2.

BREAAM Standard

5. The development hereby permitted shall be constructed to at least a BREEAM Very Good standard.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

Revised protected species survey if necessary

6. If the development hereby approved does not commence by May 2023 a revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Finished floor levels

7. The Finished Floor Level (FFL) for the buildings as constructed shall not exceed a level above Ordnance Datum (AOD) of 105.1 metres for units 1-7 and 105.7 metres for units 8-14.

Reason : In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

Fire hydrants

8. A scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The fire hydrants, sprinkler systems 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.

Unexpected contamination

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

Landscaping maintenance

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Broadband

11. Each building shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).

Reason : To facilitate information delivery in accordance with Government guidance contained within the National Planning Policy Framework. The vision for West Northamptonshire is to be at the leading edge of the global digital economy. To meet this challenge there is a target of 40% full fibre connectivity by December 2023. To deliver on this, it is essential that new developments (both housing and commercial) are served by high quality full fibre networks.

EV Charging

12. The development hereby approved shall be provided with one EV dual-charging point serving 2 EV parking spaces marked out for use by electric vehicles only for each commercial unit. At least 8 of the EV parking bays should be served by DC fast charging equipment or equivalent charging equipment providing no less standard of efficiency.

Reason : As proposed in the applicant's Transport Assessment and to comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan Part 2, and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

Cycle parking

13. Prior to the first occupation of the development hereby permitted, covered and secure cycle parking facilities for at least 40 bicycles shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Noise assessment

14. The rating level of noise emitted from fixed plant and equipment installed at the approved development site shall not exceed the background noise level determined to be LA₉₀ (1 hour) 55 dB(A) between 07:30 hours to 18:00 hours, and 36 LA₉₀ (1 hour) dB(A) between 23:00 hours to 07:00hrs. The noise levels shall be determined at the nearest noise sensitive properties NSR 1 – Winston Crescent (E), NSR 2 – Winston Crescent (W) , NSR 3 – Churchill Way (E) NSR 4 – Churchill Way (W) as detailed on the plan attached to this decision notice. The measurements and assessment shall be made according to BS 4142+A1:2019 Method for Assessing & Rating Industrial & Commercial Sounds.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in the National Planning Policy Framework, Noise Policy Statement for England, Planning Practice Guidance regarding Noise, and Policy SS2 of the South Northamptonshire Local Plan Part 2.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Use classes

15. The employment units hereby permitted shall be used only for employment/industrial uses falling within Use Classes E (g) (iii), B2 and B8 and for no other purpose whatsoever of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason : To ensure the buildings are retained for employment uses in accordance with relevant development plan policies and given the nature of surrounding uses and to ensure sufficient on-site parking is provided in the interests of highway safety and to accord with Policies SS2 and EMP2 of the South Northamptonshire Local Plan, Policy B1 of the West Northants Joint Core Strategy and the Brackley Masterplan 2011.

18. Land North of Blackmires Lane, Silverstone

The Committee considered application WNS/2021/0707/OUT for outline planning permission with all matters reserved except for access for a detached self-build dwelling with a garage and associated works at Land North of Blackmires Lane, Silverstone for P Smith.

Dave Collins, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision, the Committee considered the officer's report and presentation, the address of the public speaker, and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/0707/OUT subject to:

1. The completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) to secure the occupation of the dwelling to a person with a local connection who will demonstrate ongoing involvement in the design and build of the dwelling (i.e. to ensure the development meets the definition of self-build)
2. The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are: Location Plan (ref: 2117.10A) received on the 17/09/2021 and Access Plan (ref: 2117.20 Rev A) received 24/09/2021.

Reason : To clarify the permission and for the avoidance of doubt.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

4. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

6. A method statement for enhancing of biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first occupation of the dwelling and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

7. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. Before any works to the access hereby approved are commenced details of the proposed construction, materials and surfacing of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwelling hereby approved, the access shall be constructed in accordance with the approved details and shall be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

9. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 7 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

10. The width of the access shall be a minimum of 3 metres for a distance of at least 5.5 metres from the highway boundary and any gate(s) shall be set back 5.5 metres from the edge of the carriageway and hung to open inwards only.

Reason : To accord with Government guidance in Section 12 of the National Planning Policy Framework and Policy SS2 of the South Northamptonshire Local Plan which requires that development shall have a satisfactory means of access.

11. The gradient of the access hereby permitted shall not exceed 1 in 15 for a minimum of the first five metres from the highway boundary and the access shall be paved with a hard bound surface (no gravel) for a distance of at least 5 metres from the highway boundary and shall be retained as such thereafter.

Reason : To ensure that an adequate and safe access is provided to the site in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : Taking into account the sensitivity of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that visual amenity is conserved and to accord with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

13. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

14. The development hereby permitted shall be carried out in accordance with the mitigation, recommendation and enhancements in section 5 of the Preliminary Ecological Appraisal, by CGO Ecology, dated 5th February 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

15. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

16. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason : To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

19. Colready Farm, Farthinghoe Road, Charlton

The Committee considered application WNS/2021/0625/MAF for the erection of 2 No. livestock buildings with associated feed bins, hardstandings, manure midden, dirty water tank and drainage pond at Colready Farm, Farthinghoe Road, Charlton, NN13 5NR for Mr Tom Dyer.

Ian Pick, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision, the Committee considered the officer's report and presentation, the address of the public speaker, and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/0625/MAF subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMIT

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

COMPLIANCE WITH PLANS

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan; Site Plan Drawing No. IP/TD/02; Elevations Drawing No. IP/TD/03; Flood Risk and Drainage Assessment; Preliminary Ecology Appraisal Report and Design and Access Statement received 19th May 2021.

Reason – For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY APPROVAL OR TO BE COMPLIED WITH PRIOR TO SPECIFIC WORKS COMMENCING

3. No works above ground level shall take place until a scheme of planting to provide a screen for the site along its eastern and southern boundaries consisting of native tree and hedge planting, has been submitted to and approved in writing by the Local Planning Authority. The approved planting scheme shall be completely implemented within the first planting season following the first date on which any part of the approved development is brought into use.

Reason - To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

4. The drainage works shall be constructed and completed in accordance with the Flood Risk and Drainage Assessment Prepared by Alan Wood and Partners Dated May 2021 before the first occupation of any of the buildings hereby approved.

Reason - To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy SS2 of the South Northamptonshire Local Plan Policy BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

5. The buildings hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (1) of the Town and Country Planning Act 1990, and only be used for the housing of pigs and no other livestock. The building shall house no more than 1980 pigs at any one time.

Reason: To limit the intensiveness and nature of the farming activity to minimise the noise and odours in the interests of residential amenity and to accord with Policy SS2 of the South Northamptonshire Local Plan.

6. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

7. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal, by Craig Emms, dated 22nd March 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

8. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

9. If the development hereby approved does not commence by 23rd March 2023. A revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. A method statement for enhancing of biodiversity including the location, number and type of bird, bat and hedgehog boxes, shall be submitted to and approved in

writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

20. **Urgent Business**

There were no items of urgent business.

The meeting closed at 3.41 pm

Chair: _____

Date: _____

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West Northamptonshire Council
South Northamptonshire Local Area Planning Committee
Thursday 4 November 2021

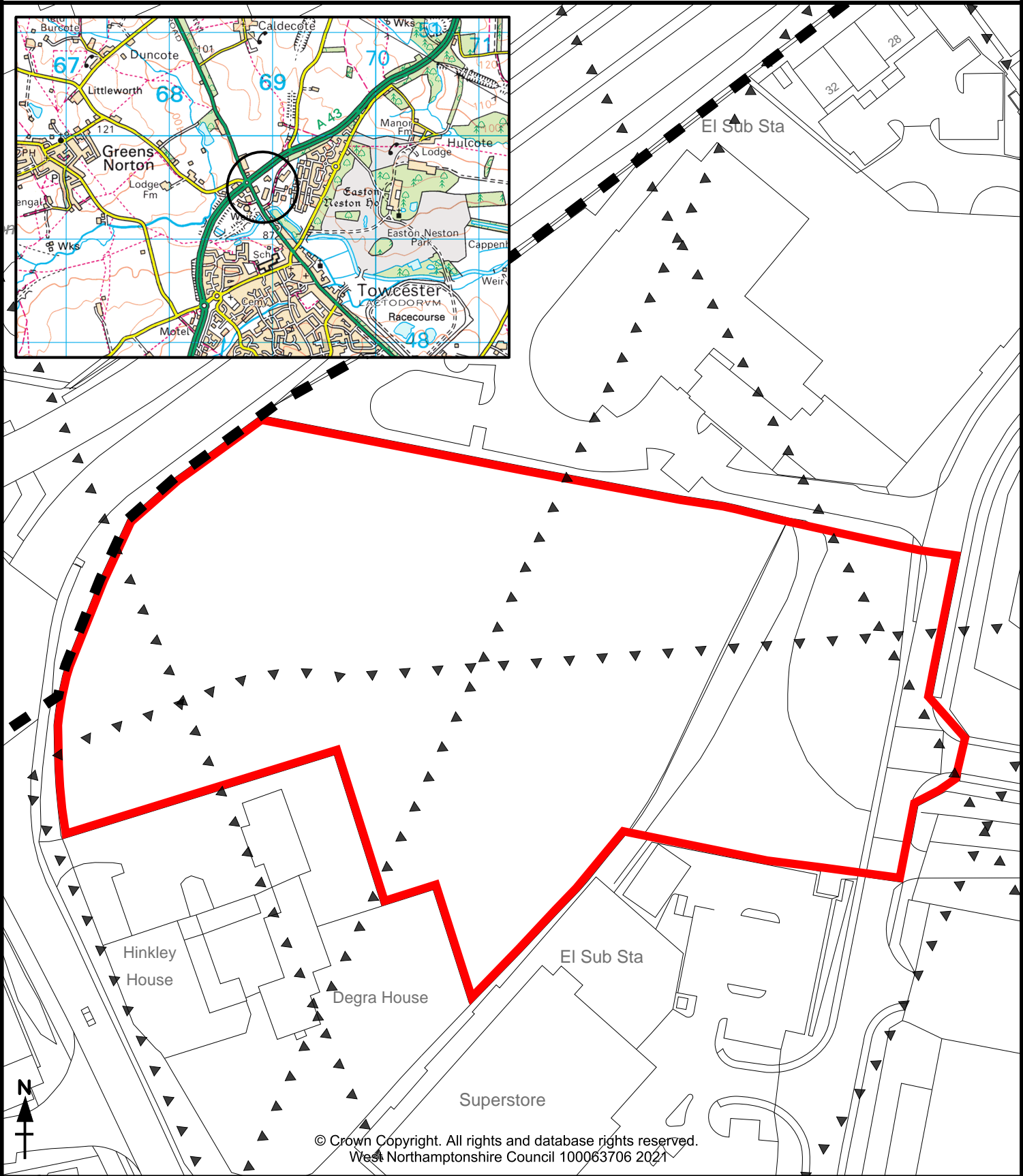
Agenda Item	Ward	Application Number	Location	Recommendation	Officer
5	Towcester and Roade	WNS/2021/0481/MAR	Land Adjacent to Tesco, Old Tiffield Road, Towcester	*Grant Permission	Laura Bell/Suzanne Taylor
6	Bugbrooke	WNS/2021/0546/FUL	Land Rear of Denbrook, Weedon Road, Nether Heyford	*Grant Permission	Tom Ansell

*Subject to conditions

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Application Number: WNS/2021/0481/MAR

Parish: Towcester CP



Town/Village: Towcester

Site Area: 1.9196 Ha

Grid Location: SP 68903 49510

Map Scale: 1:1250



Site



Site of Archaeological Asset



Village/Town Confines

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Application Number: WNS/2021/0481/MAR

Parish: Towcester CP



Map Scale: 1:1250

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/0481/MAR

Location: Land Adjacent to Tesco, Old Tiffield Road, Towcester

Proposal: Reserved matters application for details of scale, appearance and landscaping for a retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access and parking pursuant to outline planning permission S/2016/2850/MAO on land adjacent to Tesco, Old Tiffield Road, Towcester, Northamptonshire.

Applicant: Tesco Stores Ltd

Agent: DPP

Case Officer: Laura Bell/Suzanne Taylor

Ward: Towcester and Roade

Reason for Referral: Major development

Committee Date: 4th November 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

This application seeks reserved matters permission for the scale, appearance and landscaping for a speculative retail and restaurant development. Outline permission has already been granted for the principle, access and layout of the development. The current submission therefore includes details of the external appearance and size of the proposed buildings and landscaping plans.

Consultations

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

- Highways, Towcester Town Council, Surface Water Drainage Team (LLFA)

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

- Planning Policy, Archaeology, Northants Police CPDA, Environmental Protection, Building Control, Ecology.

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

- Economic Development

1 letter of objection has been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted

Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Scale
- Appearance
- Landscaping

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

1. APPLICATION SITE AND LOCALITY

- 1.1 The site measures 1.9 hectares in area and is located adjacent to the existing Tesco store situated off Old Tiffield Road, approximately 1.2km to the north of Towcester town centre. The site itself comprises a parcel of undeveloped land bounded by the A43 and a Porsche car showroom to the north, the A5/A43 roundabout junction to the west and the existing Tesco supermarket to the south. Further retail and industrial uses lie to the east beyond Old Tiffield Road. Degra House, a residential children's home, is located directly to the south west of the site.
- 1.2 This site is surrounded by a mixture of employment and retail uses including a car showroom and a garden centre. To the south west of the site, beyond the A5, is an Aldi supermarket off Old Greens Norton Road and alongside a Shell PFS accessed from the A5.
- 1.3 The land is characterised by scrubby grassland with mixed species hedges to the southern, northern and western boundaries and there is a mature field boundary/drainage ditch which runs roughly north-south through the eastern part of the site.
- 1.4 The site can be accessed from the Old Tiffield Road which links to the A5 Watling Street and the A5/A43 roundabout junction is located to the west. The site is not designated for any particular use in the Development Plan but it is located within the built-up limits of the town confines of Towcester.

2. CONSTRAINTS

- 2.1. The application site is within Towcester town confines, an area of Archaeological Assets, medium to low flood risk, within 2km of two local wildlife sites and within 300m buffer of Waste Development Allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks reserved matters permission for the scale, appearance and landscaping for a speculative retail and restaurant development. Outline permission has

already been granted for the principle, access and layout of the development. The current submission therefore includes details of the external appearance and size of the proposed buildings and landscaping plans.

- 3.2. **IMPORTANT NOTE:** The Government temporarily modified the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which would have lapsed or were due to lapse during 2020 to be extended with the 'Business and Planning Act 2020'. This states that *"any deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 is extended to 1 May 2021"*. In this case the outline would have expired on 20 December 2020 (3 years after the outline was granted on 20 December 2017) and it was therefore extended to 01 May 2021. The reserved matters application was received and registered as valid on 24 April 2021 and so complies with the terms of the extension for planning permissions set out in this temporary Act. More details can be found here: <https://www.gov.uk/government/publications/extension-of-certain-planning-permissions-draft-guidance/extension-of-certain-planning-permissions-draft-guidance>

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2019/1341/MAO	Outline application for a care home	Withdrawn
S/2016/2850/MAO	Outline application to consider principle, layout and access for a retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access, parking -	Approved
S/2016/2766/SCR	Screening opinion for proposed development comprising of five class A1 retails units and three class A3/A5 food and drink units including a drive thru	EIA not required

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire 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)

5.3. The relevant policies of the LPP1 are:

- SA (presumption in favour of sustainable development);
- S1 (distribution of development);
- S2 (hierarchy of centres);
- S9 (distribution of retail development);
- S10 (sustainable development principles);
- S11 (low carbon and renewable energy);
- C1 (changing behaviour and achieving modal shift);
- C2 (new developments);
- BN2 (biodiversity);
- BN5 (historic environment and landscape);
- BN7 (flood risk);
- INF1 and INF2 (infrastructure delivery and requirements).

South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- EMP3 – New Employment Development
- RET1 – Brackley and Towcester Town Centres
- INF1 – Infrastructure Delivery and Funding
- INF4 – Electric Vehicle Charging Points
- HE2 – Scheduled Ancient Monuments and Archaeology
- NE4 – Trees, Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG) Air quality; Climate change; Community Infrastructure Levy; Design; Ensuring the vitality of town centres; Natural environment; Planning obligations.
- Supplementary Planning Guidance: Developer Contributions; Energy Efficiency; Northamptonshire Parking Standards; Light Pollution; Planning Out Crime
- SNC Design Guide
- Towcester Masterplan
- South Northamptonshire Retail Study March 2010

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Towcester Town Council	Concern	<p>Concern about safety of pedestrians crossing Old Tiffield Road due to increased traffic and about the impact of future signage.</p> <p><i>(Officer Note: The principle and access have already been approved and highways/pedestrian infrastructure has already been agreed under the outline. Future signage/adverts would be the subject of advertisement controls/applications at a later date).</i></p>
National Highways	No comments received	-
Highways	Observation	<p>Observe that the accessible bays do not meet current standards and a swept path analysis should be provided to show HGV access and manoeuvring for the service.</p> <p><i>(Officer Note: The site layout and parking/manoeuvring have already been approved under the outline consent and cannot be changed)</i></p>
Anglian Water	No comments received	-
Surface Water Drainage Team (LLFA)	Object	<p>Object due to insufficient information being provided to demonstrate that surface water has been adequately addressed.</p> <p><i>(Officer Note: Conditions 17 and 18 of the outline requires a surface water drainage scheme to be submitted and agreed prior to commencement and subsequently maintained thereafter).</i></p>
Minerals and Waste	No comments received to date	-
Archaeology	No objection	<p>Subject to the imposition of a condition to require a programme of archaeological investigation.</p> <p><i>(Officer Note: Conditions 22 and 32 of the outline requires this).</i></p>
Northants Police CPDA	No objection	<p>Recommends the gating of the rear service yard which should be lockable and height restriction barriers with a lockable bar at lower level to prevent illegal encampments. Also recommends fire doors to meet an accredited security standard and units should be alarmed for third party response if triggered. The car park should be illuminated to at least 0.2Uo and recommend monitored CCTV is provided.</p>

Northants and Beds Wildlife Trust	No comments received	
Planning Policy	No objection	
Economic Development	Support	A Local Labour Strategy is requested. <i>(Officer Note: Condition 23 of the outline require a LLS to be submitted and agreed prior to commencement).</i>
Environmental Protection	No objection	Observes that Electric Vehicle Charging Points should be covered by existing conditions. <i>(Officer Note: Condition 21 of the outline requires an air quality impact assessment and proposed mitigation resulting from this could deal with EVCP. Noise, odour, nuisance from construction/plant/machinery and contaminated land are all covered by conditions on the outline).</i>
Licensing	No comments received	
Building Control	No objection.	Radon Protection to be ascertained. All surface water to soak away. Fire Risk Assessment required. Fire Vehicle Access to be ascertained.
Ecology Officer	No objection.	
Waste Services	No comments received	-

7. RESPONSE TO PUBLICITY

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

7.1. There has been 1 letter of objection from a neighbouring business raising the following comments:

- Impact on character and appearance of the area (gateway site for town);
- Odour and litter nuisance from hot food/drive through units;
- Drive-through/hot food units too close to neighbours to south

(Officer Note: Condition 28 of the outline requires submission and approval of a scheme to prevent odours from the restaurant units; the outline also includes Condition 16 which requires details of refuse storage facilities and a S106 contribution towards litter picking by Towcester Town Council)

8. APPRAISAL

Principle of Development

8.1. The principle of development is established though the outline consent (S/2016/2850/MAO), which remains extant (see paragraph 3.2 above). The site benefits

from consent for the access and layout (including HGV manoeuvring/parking provision), which were dealt with as part of the outline consent.

- 8.2. The retail units would be arranged as a terrace of five retail units situated to the north of the site, with three additional A3/A5 units located to the south of the site. A shared service yard will be provided to the rear (north) of the retail terrace along with a car park for 235 cars in the centre of the site and abutting the east and west site boundaries. A new access from Old Tiffield Road with a 5 arm roundabout to the north of the access to the Tesco Superstore will be provided.

Scale

- 8.3. The proposal comprises a total of 5,722sqm gross internal floorspace. In accordance with condition 3 of the outline consent, the A1 floorspace (units 1-5) will not exceed 5,025sqm gross internal area and the A5 restaurant/hot food takeaway uses (units 6, 7 and 8) will not exceed 697sqm gross internal floor area.
- 8.4. The proposed units will be provided as follows:

Unit	Use	Gross Internal Area (sqm)	Gross External Area (sqm)
Unit 1	A1	1,858sqm	1,921.4
Unit 2	A1	790sqm (includes 323.1 sqm of mezzanine space)	809.638.84
Unit 3	A1	614sqm	638.8
Unit 4	A1	1,010sqm (includes 257sqm of mezzanine space)	1,042.7
Unit 5	A1	753sqm	783.14
Unit 6	A5 Drive-Thru	282sqm	293.3
Unit 7	A3/A5	187sqm	195.2
Unit 8	A3/A5	228sqm	248.4

- 8.5. In accordance with condition 4 of the outline consent, no single unit will be greater than 2,562sqm gross internal area (including in some cases the proposed mezzanines) nor be smaller than 557 sqm gross internal floorspace.
- 8.6. The units are all rectangular in shape, with units 1 to 5 having barrelled roofs, which assists in breaking up the mass of the collective buildings. Units 6,7 and 8 have flat roofs, but all units are within the height parameters set out within the outline consent (no unit to exceed 9.4m at the highest point or exceed 7.25m to eaves).
- 8.7. Consequently, it is considered that the scale of the proposed development falls within the parameters set and assessed as part of the outline consent and are therefore considered to be acceptable.

Appearance

- 8.8. The proposals include a flat panelled cladding system, similar to the adjacent Porsche garage, to provide a consistency in appearance in the local area. Units 1-5 comprise a mix of cladding, rough texture ironstone brickwork, (limited) timber fencing and metal

fencing, with glazed frontages. The colour palette is a mix of light and dark greys, which is consistent with the buildings in the immediate vicinity.

- 8.9. Unit 6 is constructed with PCC metal cladding and powder coated curtain walling, in light grey. Units 6 and 7 are similarly designed, but with canopies to the front and timber fencing. Each unit will have outdoor seating, covered by the proposed canopies.
- 8.10. During the course of the application, the boundary treatments were amended to exclude large areas of close boarded timber fencing along the Old Tiffield Road frontage, to black mesh Paladin fencing, which is similar to that provided at the Porsche site and less visually strident within the street scene.
- 8.11. Overall, it is considered that the proposed appearance of the units is acceptable.

Landscaping

- 8.12. The proposals include a mixture of hard and soft landscaping across the site. An avenue of trees through the parking area will assist in breaking up the car parking area.
- 8.13. Additional tree planting is to be provided along the A43 boundary and at the site entrance. Ornamental hedging is to be used along site boundaries.
- 8.14. Details of the hard landscaping of the site will be conditioned, as this has not been submitted, despite reference to a specific plan.
- 8.15. It is considered that the landscaping proposals submitted are acceptable.

9. FINANCIAL CONSIDERATIONS

- 9.1 Based on 5,722sqm gross internal floorspace, this development would attract a Community Infrastructure Levy (CIL) payment totalling £603,871.59 under the Council's current CIL Charging Schedule.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. National and local policy (most notably paragraphs 81 and 86 of the NPPF, Policies SA & SA9 of the LPP1 and EMP3 of the LPP2) emphasise a presumption in favour of sustainable development and need to support economic growth.
- 10.2. The principle of the proposed retail development, including the access and parking arrangement was considered acceptable at the outline stage by virtue of the fact that there are no sequentially preferable sites in the locality and the retail impact upon Towcester Town Centre would not be seriously harmful. This was weighed against the benefits of the development which would reduce the amount of trade leakage out of Towcester to other retail centres at Northampton, Milton Keynes and Banbury for comparison goods.
- 10.3. Officers consider that the scale, appearance and landscaping proposed are acceptable as detailed in report and there is no serious harm as a consequence on the locality and therefore the planning balance lies in favour of granting permission.

- 10.4. The proposal therefore accords with Policies SS1, SS2, EMP3, RET1, INF1, INF4, HE2, NE4, NE5 of the adopted LPP2, policies SA, S1, S2, S9, S10, S11, C1, C2, BN2 and BN5 of the LPP1 and central Government guidance contained within the NPPF.

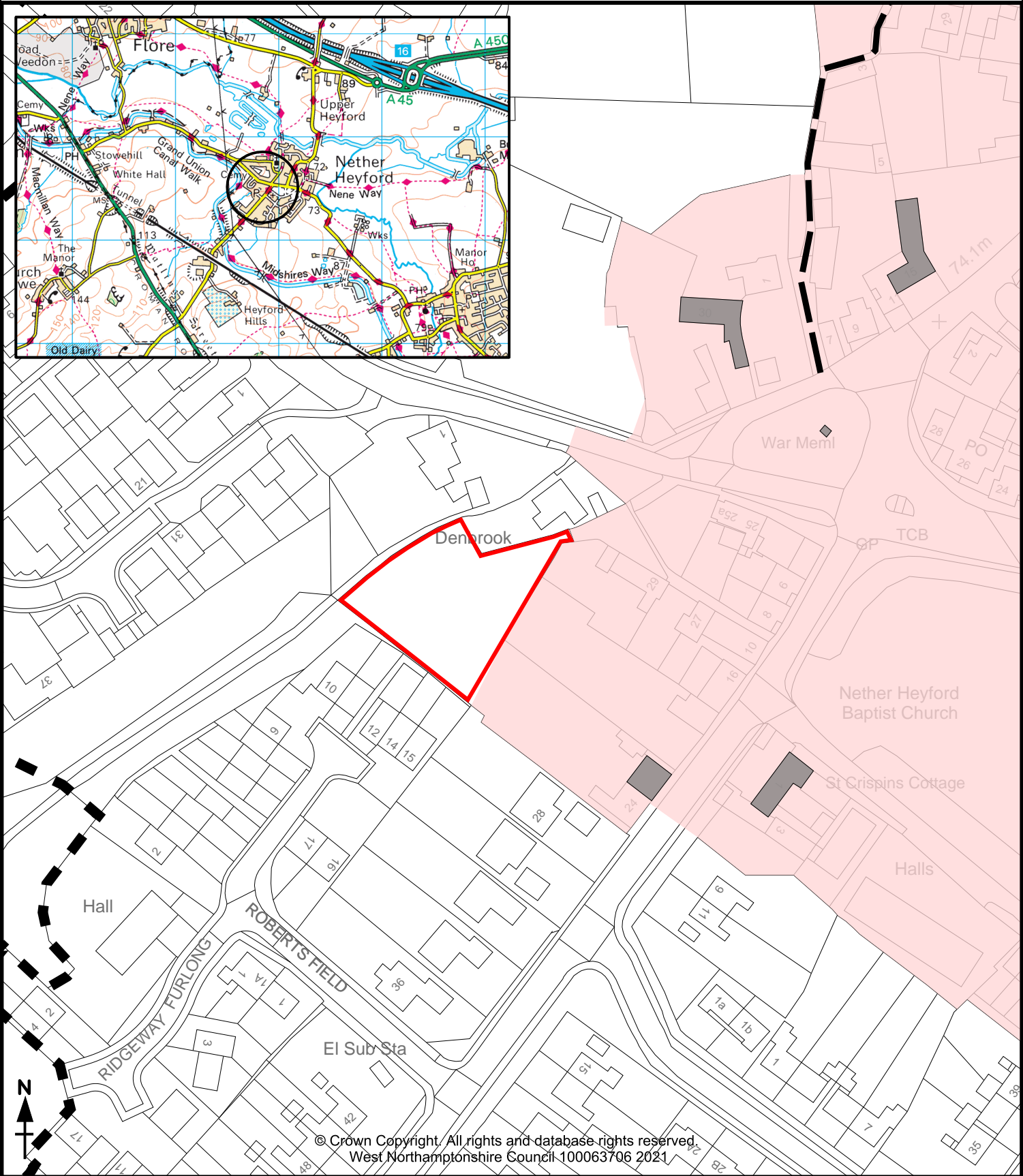
11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 **RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS TO BE PROVIDED AS PART OF THE WRITTEN UPDATES.**

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Application Number: WNS/2021/0546/FUL

Parish: Nether Heyford CP




Town/Village: Nether Heyford

Site Area: 0.1318 Ha

Grid Location: SP 65832 58508

Map Scale: 1:1250

 Site

 Conservation Area

 Public Right of Way

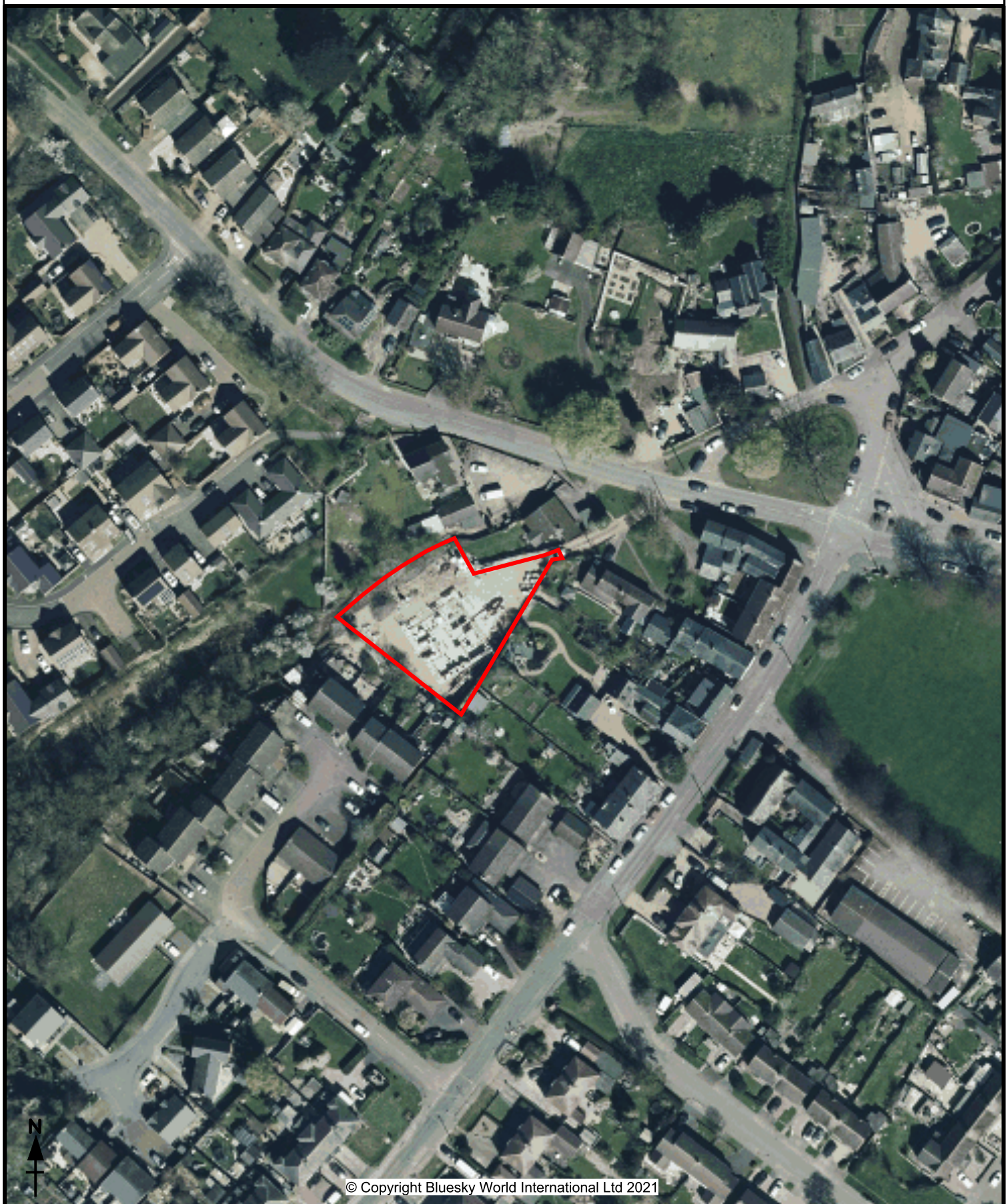
 Village/Town Confines

 Listed Buildings

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Application Number: WNS/2021/0546/FUL

Parish: Nether Heyford CP



Map Scale: 1:1250

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/0546/FUL

Location: Land Rear of Denbrook, Weedon Road, Nether Heyford

Proposal: Detached dormer bungalow (part retrospective)

Applicant: Mr R Smith

Agent: DJC Associates

Case Officer: Tom Ansell

Ward: Bugbrooke

Reason for Referral: Highly contentious application/site

Committee Date: 4th November 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

This application seeks to change plans already approved by application S/2020/0428/FUL for a single storey three-bedroom bungalow with associated parking/landscaping etc. This permission has been implemented. The amended scheme proposes two dormer windows in the principal (north east) elevation of the building, making it a one-and-a-half storey dwelling.

In addition to this, plans received on 21st September seek to regularise a number of discrepancies between the approved application and the as-built structure, including the ridge height of the dwelling which has increased by approximately 200mm (due to a steeper roof pitch), the position/number of rooflights and openings on the roof elevations of the building, and the erection of boundary treatments around the property. The landscaping scheme previously approved as a planning condition has also been resubmitted for consideration.

Consultations

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

- Parish Council

The following consultees have raised **no objections** or **no comments to make** on the application:

- Heritage Team, Building Control, County Archaeologist, Environment Agency [subject to imposition of safeguarding condition relating to accessing Heyford Brook]

12 letters of objection have been received from 11 different neighbouring properties in

response to the most recent amended drawings, which the Council consulted on in September 2021 (site notice erected on 28th September). Before this, twelve responses had been received from mostly the same neighbouring properties.

Conclusion

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

Considering the baseline established by the development approved by S/2020/0428/FUL, the key issues arising from this application to amend those details are:

- Principle of development
- Visual impact of development
- Impact on residential amenity
- Impact on highway safety
- Impact on flood risk

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

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is a plot of land a little under 1500m² in size (0.15ha), and now contains the main shell of the dwelling approved under application reference S/2020/0428/FUL, although there are some differences for which regularisation is being sought by this application. The site is relatively level, sitting lower than the properties in Roberts Field which flank the site to the south-west, although a little higher than the Weedon Road and the single storey property known as Denbrook to the north.
- 1.2 The plot borders a number of dwellings to the south-east (29 The Green, 20 Furnace Lane) and south-west (Robert's Fields), as well as one to the north (Denbrook). The most affected dwellings are Denbrook, 20 Furnace Lane and 29 The Green. These dwellings have experienced alterations to existing boundary treatments, both within and outside of their own boundaries. Similarly, properties in Robert's Fields have had boundary planting removed and a fence erected along the south-western boundary.
- 1.3 The site is accessed via a narrow track with runs across the village green to the north-east of the site. This track narrows between the boundary of 29 The Green and Denbrook, before widening out into the site. A water course runs to the north.
- 1.4 There is a mixture of architecture styles and finishes in the vicinity, with a variety of two-storey and single storey dwellings finished in white render, grey render, buff brick, red brick and ironstone with numerous roofing materials too (slate roofs, tiled roofs and thatch). A red brick agricultural building historically stood within the site, although until the previous permission was granted all that remained was a single brick wall which flanked the boundary of 20 Furnace Lane (from inside the site). Other buildings in the vicinity are notably historic, and others are post-war of 1960s/70s.

2. CONSTRAINTS

- 2.1. The application site is within the settlement confines of Nether Heyford, a 'third category' Secondary Service Village (A) as designated by policy SS1 'The Settlement Hierarchy' in the Local Plan Part 2.
- 2.2. The site is adjacent to, but not within, the Nether Heyford Conservation Area, which flanks the south-eastern boundary of the site. A Grade II listed building '22 Furnace Lane' is located nearly 50m south-east of the site. There are a number of 'Other Significant Buildings' as designated by the adopted Conservation Area Appraisal and Management Plan for Nether Heyford in close proximity to the site, including 29 The Green. This document also identifies a Registered Village Green/Important Open Space, which the access of the site lies within.
- 2.3. The site lies within an area of archaeological interest (Shrunken Village), is within 2km of a local wildlife site (Dovecote Meadow) and the north-western edge of the site is within a Flood Zone 2/top of a river-bank as designated by the Environment Agency.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a number of alterations to an extant (and implemented) planning permission S/2020/0428/FUL.
- 3.2. The fundamental difference between the approved and the submitted is the inclusion of two dormer windows on the principal north-east facing elevation, each serving a bedroom. Additional first floor space is also sought to create a bathroom. The dwelling is now more accurately described as being one-and-a-half storeys.
- 3.3. The applicant has continued to implement the development broadly in line with the original permission; however, some deviations from the approved plans have been noticed on various site visits and highlighted to the Council by neighbours. Other changes that this application therefore seeks to regularise are...
 - Increase in roof pitch
 - Subsequent increase in ridge height by approximately 200mm
 - Additional/repositioned rooflights within the various roof elevations
 - Installation of bi-fold doors on north-western elevation of dwelling
 - Installation of flue instead of chimney
 - Construction of large fence to south-western boundary with Robert's Fields
- 3.4. The application is also seeking to clarify/change details that were previously approved by condition 9 of permission S/2020/0428/FUL; specifically, the landscaping arrangement and boundary treatments. A wall was previously shown as being approved across the boundary of 20 Furnace Lane; this is now a 1.8m close boarded fence. A 2.5m brick wall is proposed to the boundary of 29 The Green. Five planting areas are now proposed around the site; along the south-eastern boundary between a retaining wall and the fence to 20 Furnace Lane, along the south-western boundary where a tall fence has been constructed, in the Environment Agency 'keep clear' zone to the north-west of the property, and to the west/south-west of Denbrook.

4. RELEVANT PLANNING HISTORY

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

Application Number	Location	Proposal	Decision	Decision Date	Planning Register
S/2015/1443/OUT	Land Off Weedon Road Nether Heyford	2 New dwellings (Outline)	10 - Application Withdrawn	06/08/2015, 00:00	Website
S/2021/0365/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 5 [Brick Sample Panel] Application for approval of details submitted pursuant to Condition 5 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	25/05/2021, 00:00	Website
S/2021/0366/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 6 [Samples of Roofing Materials] Application for approval of details submitted pursuant to Condition 6 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	31/03/2021, 00:00	Website
S/2021/0363/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 3 [Construction Method Statement] Application for approval of details submitted pursuant to Condition 3 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	25/05/2021, 00:00	Website
S/2016/0227/FUL	Land off Denbrook Weedon Road Nether Heyford NN7 3LF	2 x No. one and half storey residential dwellings	10 - Refusal	14/03/2016, 00:00	Website
S/2020/0428/FUL	Land Rear Of Denbrook Weedon Road Nether Heyford	Detached single storey dwelling	10 - Approved	04/12/2020, 00:00	Website
S/2021/0369/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 9 [Landscaping Scheme] Application for approval of details submitted pursuant to Condition 9 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	25/05/2021, 00:00	Website
S/2021/0367/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 7 [Architectural Details] Application for approval of details submitted pursuant to Condition 7 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	31/03/2021, 00:00	Website
S/2018/2611/FUL	Land Rear Of Denbrook Weedon Road Nether Heyford	Erection of single dwelling	10 - Refusal	15/01/2019, 00:00	Website
S/2021/0364/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 4 [Finished Floor Levels] Application for approval of details submitted pursuant to Condition 4 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	25/05/2021, 00:00	Website
S/2016/2904/FUL	Land rear of Denbrook Weedon Road Nether Heyford	2 x No. one and half storey residential dwellings	10 - Refusal	04/01/2017, 00:00	Website
S/2021/0370/COND	Land Rear Of Denbrook Weedon Road Nether Heyford	Condition 12 [Refuse Storage Facilities] Application for approval of details submitted pursuant to Condition 12 of planning permission S/2020/0428/FUL [Detached single storey dwelling].	10 - Approved	31/03/2021, 00:00	Website
S/2017/2515/FUL	Land Rear Of Denbrook Weedon Road Nether Heyford	Two new dwellings	10 - Appeal Dismissed	08/12/2017, 00:00	Website

- 4.2 S/2020/0428/FUL was approved in December 2020, granting permission for a single storey U-shaped bungalow with three projecting gables at the rear, following a lengthy application process, negotiation on siting/layout, and final determination by the Council's planning committee.
- 4.3 The application was contentious with strong local opposition to the site's development, concerns over amenities, access and visual impact all being referenced. The site has previously been subject to numerous failed applications for more than one dwelling or a single dwelling of larger size (i.e. two-storey).
- 4.4 All details pertaining to this application, including comments made by concerned neighbours, the eventual committee report and decision notice can be viewed on the Council's Planning Register here: <http://snc.planning-register.co.uk/plandisp.aspx?recno=106552>

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted 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)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- H1 – Housing Density and Mix and Type of Dwellings
- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- R1 – Spatial Strategy for the Rural Areas

Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- LH1 – Residential Development Inside and Outside Settlement Confines
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings

- HE6 – Conservation Areas
- HE7 – Non-designated Heritage Assets

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- Designated Neighbourhood Area (designated 27th February 2016)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- South Northamptonshire Design Guide
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- SNC Corporate Priorities - to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”.

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. With the exception of the Environment Agency, these responses have all been received following the Council’s re-consultation on a set of amended drawings including all design-related changes to the scheme that have been identified or are sought by the applicant. Responses are available to view in full on the Council’s website, via the online Planning Register.

Consultee Name	Position	Comment
Kerri Monger	Planning Adviser, Environment Agency	The development will meet the NPPF’s requirements as long as the development is implemented in accordance with submitted drawing ref 2355/9 Rev C (now superseded by 2355/9 Rev E). A 9m access from the main river shall be provided to the Environment Agency, too.
Heritage Team	Internal [WNC]	The Heritage Team have no comments to make on these proposals.
Building Control	Internal [WNC]	No objections, all surface water to soakaway, radon protection to be ascertained and fire vehicle access to be ascertained.
Nether Heyford Parish Council		The application should be refused in line with historic decisions to refuse two-storey four-bedroom properties on this site. The proposal to use close-boarded fencing (instead of walls) goes against the design and heritage principles in the Neighbourhood Plan (at public

		consultation stage). There are no objections to the bifold doors, roof lights or proposed changes to landscaping.
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7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report. The properties that have responded at least once are...

- Numbers 1, 20, 22, 24 and 28 Furnace Lane
- Numbers 27 and 29 The Green
- Numbers 11, 12, 14 and 15 Robert's Field

7.1. The concerns raised by the objections are summarised below.

- The build has already gone ahead / is retrospective and should be refused as it is not what was originally agreed / approved by the planning committee.
- There are too many retrospective alterations proposed that fundamentally change the scheme and have material impacts on many existing properties; they should all be rejected.
- Previous refusals and appeal decisions have established that no two-storey/one-and-a-half storey development is acceptable on this site, so this application should be refused (visual examples given from previous officer reports/decisions etc)
- The use of a fence as a boundary treatment is inappropriate given the context of the site and its relationship to the conservation area.
- The additional 20cm in height and increase in pitch creates a lot of extra cubic capacity within the roof space and is an erosion of the site from the perspective of all surrounding neighbours in terms of the scale of the build. It represents an overdevelopment of the site, and restricts views across the village from Robert's Field.
- The committee previously imposed a condition preventing any future occupiers building into the roof; the proposal is a direct contradiction to the planning approval granted.
- The increase in number of bedrooms from 3 to 4 results in potentially more cars travelling into and out of the site, the access/drawings showing the land to the main road has consistently failed to show all existing driveways (i.e. particularly numbers 27 and 29 The Green).
- The dormers will overlook the adjacent properties at the cost of privacy.
- Hedgerows and trees were removed/damaged even though they were originally shown as being retained.

8. APPRAISAL

Principle of development

8.1. Approval for a single storey dwelling was granted in December 2020 at planning committee. The plans showed a dwellinghouse constructed all on one level, containing three bedrooms. Despite significant objection, committee resolved to approve this application, although conditions were imposed controlling the design/appearance/finish of the dwelling as well as what future occupiers could and couldn't do to it.

- 8.2. The site remains within the settlement confines, and the Council has no in principle objections with the number of bedrooms increasing from three to four. Neither the insertion of dormers nor the slight increase in overall height of the building – the two alterations that materially alter the appearance and description of the building – change the fact that the scheme fundamentally represents a single dwelling within the settlement confines of a village identified as being capable of accommodating a degree of new development.
- 8.3. As such, on face value, the principle of development is considered to be acceptable.
- 8.4. However, Officers note the significant number of objections being made to the proposal, mostly on the basis that it is retrospective, and that to allow anything that isn't wholly single storey would be to undermine the December 2020 decision to approve the bungalow, as well as previous refusals and appeal decisions whereupon the Council and Planning Inspectors have found the site to be unsuitable to accommodate larger dwellings.
- 8.5. While the material impacts of the two most contentious changes will have on visual and residential amenity will be assessed later in the report, Officers consider it prudent to address these concerns in this section of the report, as the acceptability of the principle of development is being disputed vociferously by those surrounding the site.
- 8.6. Firstly, planning legislation, which is put in place by central Government, does not prohibit any applicant from changing their mind about what they wish to seek permission for. An applicant (or even 'applicants' if the land or site changes ownership) can seek planning approval for more than one scheme if they want (there is no limit placed upon this), making small tweaks or larger, more significant changes. The Council must assess the merits of the schemes placed before them, considering them against adopted planning policy, while referring to historic planning decisions (where relevant) and assessing other matters like residential impact etc.
- 8.7. Where an alternative scheme is found to comply with adopted planning policy, avoids harming neighbouring amenity etc, and is not found to undermine historic decisions or restrictions placed upon development, Councils must approve those schemes without delay in accordance with the National Planning Policy Framework.
- 8.8. Secondly, planning legislation does not prohibit any applicant from seeking permission for changes they have made to a scheme retrospectively. It is clearly in the applicant's interest to seek permission for any alterations before they are implemented, because to deviate from approved plans without achieving consent first clearly represents a risk if those deviations are found to be unacceptable. However, the Council cannot withhold permission just because a proposal is either partially or even wholly retrospective. Similarly, legislation does not place a limit on the number or scale of retrospective alterations to an approved scheme, and whether the act of deviation from the approved plans was accidental or intentional does not form a material planning consideration, either. Planning permission goes with the land, and is not granted or refused based upon the applicant's behaviour.
- 8.9. To apply this to the proposal before the Council today, a number of objections have alleged that the applicant has built the dwellinghouse intentionally taller and with a steeper roof pitch because the intention was always to place rooms within the roof. Whether this is the case or not is irrelevant in respect of the Council's decision-making process; the Council is simply looking at what has been done and is determining whether the changes between the previously approved scheme and as-built scheme warrant refusing permission, or whether those changes are acceptable and can be approved.

- 8.10. To this end, the principle of building anything other than a single storey bungalow within this plot has been argued vociferously to be unacceptable because of both restrictions placed upon the previously approved bungalow by the Council (following the committee meeting), and by previous appeal decisions that dismissed applications for dwellings of more than one storey. To approve the building, it has been suggested, would undermine the entire planning process.
- 8.11. The first strand of this argument comes from the decision made in December 2020. It has been argued that the Council placed conditions on the bungalow to stop it from ever becoming anything other than a single storey bungalow. This is not strictly the case; it is more accurate to say that the Council placed restrictions (condition 15) on the ability of future occupiers to extend or alter the bungalow without planning permission, where such development could include converting the roof-space and inserting dormers. Permitted development rights allow occupiers of most dwellings to carry out forms of development – rear extensions, side extensions and roof extensions being the most common – and committee made it clear that such rights should not be afforded to the new dwelling to prevent future alterations from taking place without the control of the Local Planning Authority to assess potential harm to the amenities of neighbouring properties. The implications of condition 15 is not that all future development of the bungalow is forbidden forever; simply that, any proposed alterations to the dwelling require planning permission to allow the Council the opportunity to carry out a further assessment.
- 8.12. Looking at past decisions, it is true that the site has been subjected to numerous failed attempts to establish permission for residential development in the past. The most recently refused scheme in 2018 was for a full two-storey dwelling with eaves over 5m in height and a ridge over 7m in height. The 2017 refusal which was dismissed at appeal was for two two-storey dwellings, both with eaves exceeding 4m and ridge lines of 8m, creating a cumulative footprint of nearly 190sqm spread over two separate plots.
- 8.13. The Council has also previously offered advice on schemes that were for one-and-a-half storey dwellings, with dormers within the eaves rather than within the roof space. The eaves were 4m and the ridge well over 7m in height. The Council held reservations about the appropriateness of such a building, as detailed in Section 5 of the previous committee report (S/2020/0428/FUL).
- 8.14. The scheme presently before the Council, even after its ridge height has been increased following the use of a steeper roof pitch, is not comparable to these previous iterations of development. The ridge height of the scheme as built has been measured at its highest point as being 6.6m. Eaves have been built according to the original plans, at 2.8m and 2.3m respectively. While it will create approximately 200sqm of new floorspace, this will be over two floors. Its ground floor footprint remains as it was before, meaning the additional floorspace isn't resulting in additional built form being pushed closer to the boundaries with Denbrook (a concern previously raised by the Inspector).
- 8.15. While the description of the building has, therefore, changed from bungalow to dormer bungalow, or 'one-and-a-half storey' dwelling, this alone does not represent a reason to refuse permission, because this description does not mean the building is now of a scale or massing comparable with previously refused schemes.
- 8.16. Steps have been taken to mitigate the impacts caused by the dormers on the amenities of surrounding dwellings (this will be discussed later). Visually, the dormers have no adverse impact on the street scene or appearance/character of the site, and nor does the additional 20cm of ridge height (this, too, will be discussed later).
- 8.17. As such, Officers are comfortable that the principle of development remains acceptable, and, irrespective of whether the changes are retrospective or not, and whether the

applicant deliberately ignored the approved plans or not, this support does not undermine the previous decisions made by the Council or Planning Inspector, and does not undermine advice previously offered to the applicant in respect of the suitability of the site for a single storey dwelling.

Visual impact of development

- 8.18. The policy context remains as it did in December 2020 when the original application was approved. The site remains adjacent to the Nether Heyford Conservation Area, with listed buildings within reasonably close proximity (although unaffected by development on this plot due to separation distances and lack of inter-visibility). Policies SS2, HE1, HE5 and HE6 of the Local Plan Part 2 remain applicable, as does policy BN5 of the Joint Core Strategy and, legislatively, Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 8.19. The NPPF has been modified since the 2020 decision; however, both Sections 12 and 16 and the contents of these sections continue to apply.

Changes to dwelling

- 8.20. Looking first at the changes to the dwelling itself, the increased ridge height means the dwelling is now 200mm taller than it was before, and it has a slightly steeper roof pitch. Officers have considered the planning Inspector's previous comments about the site (APP/Z2830/W/18/3194402) and its surroundings, and have noted that they observed the variation in plot sizes and building patterns in the locality. They felt that the proposal *'would be seen principally in the context of Weedon Road where properties are more widely spaced'*; now the build is well underway and the structure of the dwelling is nearly complete, this is confirmed to be the case.
- 8.21. The increase in roof pitch alone does not cause the building to become significantly larger or more dominating within the plot. It does not result in a significantly more 'built up' appearance to the site, which was the concern of the Inspector when two dwellings were proposed (and subsequently dismissed). This is also true of the two dormer windows, which are appropriately scaled and sited within the principal roof elevation of the building.
- 8.22. The views of the site from Weedon Road contain a wide variety of dwelling sorts and sizes, and while dormer windows are not wholly typical, neither would they appear particularly incongruous within this vista. Particularly as Denbrook, a very low-lying 1980s bungalow in buff brick, and 1 Weedon Road, a white-rendered two-storey dwelling with significant historic alterations, frame the development site from views along Weedon Road.
- 8.23. As such, the provision of two modestly sized dormers on the principal elevation, and the increase in ridge height, are not considered to result in visual harm either to the character of the site or to the setting of the conservation area, the edge of which flanks the site's south-eastern boundary.
- 8.24. Looking at other changes, these are relatively minor in scale and impact. While it is more typical of properties in the district to have chimneys, the dwelling is not attempting to replicate a traditional or historic form of development, and as such having a flue is not considered to represent a harmful deviation from the Council's Design Guide. The insertion of rooflights on the front and rear elevations, too, will not result in harm, particularly as all but two of these will be largely hidden from view. The bi-fold doors on the side elevation are an acceptable change, too, as such openings are typical on most modern dwellings.

- 8.25. Overall, the changes to the property itself, some already implemented and others still to be undertaken, are considered to respect the scale and character of the main property and avoid harming the appearance of the wider area, which is somewhat characterised by its variability.

Changes to landscaping and boundary treatments

- 8.26. The landscaping scheme approved by planning condition 9 of S/2020/0428/FUL is being changed as part of this application, in particular the location, height and finish of some boundary treatments.
- 8.27. The new soft landscaping scheme proposes planting in five places around the site, along the south-eastern border in a raised planter, along the south-western border in front of a 2.5m tall fence, in three separate areas in the north-western part of the site near the watercourse (tree planting), and then along the edges of the fence at the rear and side of Denbrook. The accompanying planting schedule sets out the rationale behind this planting scheme and provides details of species. These details are felt to be acceptable.
- 8.28. It is regrettable that a lot of existing vegetation and planting has been removed from the site, particularly along the south-western boundary. None of this planting was protected in planning terms, although the plan originally approved as part of application S/2020/0428/FUL *suggested* that it would be retained. Nonetheless, Officers acknowledge the applicant's desire to seek privacy within the new dwelling's outside amenity space, and the proposed planting will soften the edge of the fence from distant views achievable of the fence from the road.
- 8.29. Concern has been raised to the Council about two boundary treatments which are now proposed around the edge of the site. The first one is a new 2.5m high fence along the south-western boundary. As this has been placed on top of a bund, the height of this fence from Robert's Field is closer to 3m. There is a significant difference in height between the land within the site and the gardens of properties in Robert's Field. Photographs of the fence taken from the neighbouring property (1 Weedon Road) show the top of the fence to be aligned with the tops of the openings on the rear elevations of the dwellings in Robert's Field. It has been claimed that the fence overshadows the gardens of these properties, but the height and orientation of the fence relative to the gardens, which are raised up relative to the site's internal levels, is such that any shadows cast will likely be limited to a short period of time at the start of the day; for most of the day the dwellings will cast the gardens into shadow.
- 8.30. The second boundary treatment to be a point of contention is the proposed 1.8m fence along the boundary of 20 Furnace Lane. As will be seen in the residential amenity section of the report, a new solid boundary treatment in this location is considered essential to preserve the amenities of this neighbour, otherwise the bottom of the garden will be very exposed.
- 8.31. This fence is a significant point of contention for two reasons. Firstly, the garden was bordered by a brick wall until this was removed by the applicant. The brick wall appeared to have historically formed the side elevation of an old building that once stood within the site. A photograph has been provided below to assist – the gaps in the wall are likely where roof trusses were located:



- 8.32. This wall stood within the application site, outside of the conservation area and, as far as Officers are aware, was not in the ownership or control of 20 Furnace Lane. Its removal did not require planning permission and, it would seem, could not be prevented by the neighbour either (although if it was in their ownership, it would form a civil matter to be dealt with outside of the planning process).
- 8.33. Notwithstanding this, it is understandable that the removal of this boundary to the neighbour has caused the neighbour concern, particularly as Officers have noted that the bottom of the garden at 20 Furnace Lane has not been very well secured by the applicant as the build has progressed.
- 8.34. The landscaping plan approved as part of condition 9 of S/2020/0428/FUL showed a replacement 1.8m high wall being built along the boundary of 20 Furnace Lane, where it meets the application site. This was approved by the Council in May 2021 as part of a discharge of condition application.
- 8.35. However, during the course of this new application, the applicant has changed their mind about what they would like to provide as a boundary treatment in this location, and is now proposing a 1.8m high fence. Considering just the need to safeguard the amenities of 20 Furnace Lane, a 1.8m fence is going to achieve the same desired effect as a 1.8m high wall. However, it does have a different visual impact, which must be assessed.
- 8.36. The main concern raised by the occupiers of 20 Furnace Lane and other respondents is the impact the use of a fence will have on the appearance/setting of the conservation area, which covers the garden of 20 Furnace Lane but does not extend into the site. Reference has been made to the Nether Heyford Neighbourhood Plan (NHNP), which is presently out at public consultation.

- 8.37. Draft policy H3 of the NHNP offers support for limited infilling within the built-up area boundary where it *'respects the historic significance of the building and its setting'* (a.) and *'is modest and in proportion to the size of the site and designed to respect the historic significance of the building and its setting'* (b.). Policy BE3 of the NHNP ('Heritage Assets') advises that development that impacts the setting of heritage assets *'will be expected to demonstrate the highest standards of design in terms of appearance'*, with proposals failing to preserve or enhance heritage assets within the Parish being considered unsupportable. Policy BE5 of the NHNP ('Responding to Local Character') advises that new development must *'be compatible with the distinctive character of the area'* (a.) and *'be consistent with the South Northamptonshire Design Guide'*.
- 8.38. Chapter 5.8 of the Design Guide covers 'Boundary Treatments', and paragraph 5.49 advises that new treatments should be *'robust and provide visual cohesion to an area, both in the short and long-term'*.
- 8.39. Paragraph 5.51 of the Design Guide advises that *'property boundaries facing or visible from the public realm, garage/parking courts and Mews will need to be defined by a full height brick or stone wall'*. Paragraph 5.54 discourages the use of close-boarded fencing as they are considered *'out-of-character with the prevailing boundary treatment condition of South Northamptonshire'*.
- 8.40. Firstly, it must be emphasised again that the brick wall visible previously along the boundary formed the side elevation of a building that once stood within the site, and was not a dedicated boundary wall that intended to delineate the boundary between the neighbouring garden and the site. Nonetheless, the position of the draft NHNP and the Design Guide suggests that, where boundaries are going to be visible from the public realm, they should be a wall rather than a fence.
- 8.41. However, Officers pick up on the phrase 'prevailing boundary treatment' used in the Design Guide. It is unarguable that the new boundary treatment along the rear of 20 Furnace Lane's garden will be visible from Weedon Road; however, this view is somewhat distant, as the garden borders the site, and then between the site and the highway is the 1980s bungalow Denbrook. The prevailing boundary treatment visible in views towards the site, even before the brick wall had been demolished, was of close boarded timber fences. See photo below:



- 8.42. The situation more recently, with some of the trees and greenery removed, and taken from another perspective on Weedon Road, highlights how the view is already dominated by close boarded fences in the foreground and mid-distance, due to the changing levels within the site of Denbrook:



- 8.43. Having considered the merits of this particular site from ground level, from the main public realm vantage point, Officers cannot see there being a strong enough case on visual amenity grounds to argue for the construction of a brick wall over the erection of a fence. There is concern that, to insist upon a wall, or even attempt to force the issue via a specifically worded planning condition, would be to make the Council vulnerable to an appeal and potentially any costs associated with that.
- 8.44. Therefore, the intention to build a 1.8m fence along the rear boundary of 20 Furnace Lane is considered acceptable and, in this instance, will not undermine the content of the draft NHNP or Council's Design Guide, both of which could be consistently applied to other sites within the village or district.

Conclusion

- 8.45. The amended scheme does not represent a significant change in terms of scale, massing, materials or siting from what was approved by the planning committee in December 2020. It remains fundamentally different (lesser) in size than previously refused and dismissed schemes. The changes to approved boundary treatments will not result in visual harm that detracts from the significance or setting of the conservation area

Impact on residential amenity

Policy

- 9.1. Policy SS2(1.f.) requires new development to result in 'a good standard of amenity for its future occupiers in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration'. It must also avoid harming the amenities of occupiers and users of neighbouring properties and the wider area through 'noise, odour, vibration,

overshadowing’ and should not result in a loss of privacy, sunlight, daylight or outlook unless appropriate mitigation measures are proposed and secured.

Assessment

- 8.46. At the previous application’s committee meeting in December 2020, concern was raised by members about the potential for first-floor accommodation to potentially harm the amenities of surrounding neighbours, given the relatively intimate relationship the dwelling shares with these. This is what led to the Council imposing condition 15, removing permitted development rights for alterations, extensions and improvements to the dwelling following its eventual occupation. As has been previously emphasised in this report, this condition does not mean that no changes at all will ever be permitted; simply that the Council wishes to control the scale, siting and scope of these.
- 8.47. The development proposes two dormer windows, both serving bedrooms, within the north-east facing roof elevation of the dwelling (the principal elevation). The dwelling is angled such that it moves its own external amenity space further away from the boundary of Robert’s Field, to avoid overlooking from that direction. This angle, however, means that both dormers carry with them a potential for overlooking to neighbouring properties.
- 8.48. Firstly, the dormer on the northern side of the roof will allow those standing within the room elevated, clear views over the front parking area and into the small rear garden of Denbrook, a neighbouring property to the north. Denbrook’s garden is modest in size, bordered by a fence which appears to be about 1.8m high as measured on the neighbour’s side. Officers have visited this garden as part of the assessment, and felt that views from the dormer would be such that a degree and sense of overlooking would be felt by users of the garden, and that this would result in a level of harm. Given Denbrook’s ‘baseline’ for harm is very low – it is not very overlooked at all at present – this level of harm was felt to be unacceptable.
- 8.49. To address this, the dormer window proposed on the northern side of the new dwelling, serving bedroom 3, is to be made obscure glazed and non-opening, unless the openable parts are more than 1.7m above internal floor level. This is labelled on the plans and can be conditioned to remain so indefinitely. This will safeguard the amenities of Denbrook, as clear views out of this window will no longer be attainable (although it will continue to let in light).
- 8.50. To mitigate this, a window is proposed on the north-western gable of the new dwelling. While the dwelling has been constructed without this window in position, Officers note its presence on the submitted drawings and will assess its potential impact on neighbours. 1 Weedon Road is to the direct north of the site, and is the only neighbour that would be impacted by such a window. Officers have visited the garden belonging to this neighbour as part of the assessment; the neighbour at the time confirmed that they had no concerns or reason to object.
- 8.51. The distance from the proposed north-west facing window to the approximate boundary of the property (the watercourse) is around 12m. The distance from the window to parts of the neighbour’s garden is well in excess of 20m. The minimal recommended distance between a habitable window and the boundary of a house is 9m, and 18m should be retained between facing elevations. While the window won’t face any elevations, it will provide views towards part of the large garden belonging to 1 Weedon Road. However, the majority of the garden, which is presently screened by trees on the neighbour’s side, is well beyond the 18m limit, and the 12m distance to the boundary clearly exceeds the 9m limit for windows to boundaries. As such, the proposed gable window, which will provide an additional source of light and, for building control purposes, be regarded as

an escape route in case of fire, does not cause harm to the amenities of this adjacent neighbour.

- 8.52. Moving onto the southern dormer, the dormer within bedroom 4 and closest to the boundary with 20 Furnace Lane, the potential harm caused by this window depends largely upon the treatment of the boundary at the bottom of the neighbour's garden. When Officers viewed the neighbouring garden from the first floor of the bungalow, in the position of the proposed dormer, it was clear that if the end of number 20's garden wasn't protected by a 1.8m boundary treatment, there would be quite severe overlooking achievable. While the very end of residential gardens can sometimes be less valuable as amenity spaces, 20 Furnace Lane has a footpath that goes from the house to a seated/terraced area next to a pond, so it is clear that harm would arise from overlooking part of this path and area.
- 8.53. To mitigate this, a 1.8m high fence is proposed along the entire boundary of 20 Furnace Lane. Securing this pre-occupation of the dwelling will ensure that there are no opportunities for long-term harm once the building has been completed and is occupied. The fence will mean that the opportunities for overlooking and loss of privacy are much more limited, because it curtails views of the path and very bottom of the garden.
- 8.54. Turning to other matters, the dormers provide longer views towards the boundary of 29 The Green (circa. 20m); no harm arises as a result of this by virtue of the distance. None of the rooflights proposed will allow harmful views, as the rooflights position internally will mean the views out are of the sky. No other opportunities for window-to-window overlooking are proposed, and the building will not dominate over any adjoining neighbouring properties, mainly because it is set down over 1m lower from the rear gardens of most of these. It remains a sufficient distance from Denbrook to ensure most of its garden and all of its windows remain unaffected by shadowing.
- 8.55. Officers note complaints made by occupiers of Robert's Fields that views across the village of architectural features and other buildings have been disrupted by the increase in height of the dwelling (by 200mm). Such views are clearly pleasant, but while it's understandable for the loss of these views to cause frustration, nobody is entitled to a view, and the Council cannot withhold permission on these grounds. None of the properties in Robert's Fields will be overlooked or adversely affected in amenity terms by the changes proposed to the development.

Conclusion

- 8.56. Having considered all of the proposed changes both from within the site, from within the new dwelling itself, and from within the gardens of a number of neighbouring properties (including 1 Weedon Road, Denbrook, 29 The Green, 20 Furnace Lane and properties in Robert's Field), Officers are satisfied that the mitigation proposed (obscure glazed windows and pre-occupation provision of a new 1.8m fence) successfully address the concerns previously raised, and result in no harm being caused to the amenities of surrounding properties.

Impact on highway safety

Policy

- 8.57. Policy SS2(1.c.) requires new development to provide '*an accessible, safe and inclusive environment*'. Policy SS2(1.j.) requires development to include a '*safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles)*'.

Assessment

- 8.58. The creation of a fourth bedroom within the dwelling brings with it the need for a third parking space to be provided clear of the highway. The site plan shows four spaces being provided within the site, ensuring there is minimal risk of any on-street parking occurring along Weedon Road.
- 8.59. All other access-related conditions continue to apply and will be copied forwards onto this application.

Conclusion

- 8.60. The amendments are considered to be acceptable in highway safety grounds, as they will not result in an adverse impact in this regard.

Impact on flood risk

- 9.2. The Council notes that no objections were received from either the Environment Agency, Inland Waterways Association or the Surface Water Drainage team during the previous application's assessment. As a result, the Council determined that, because the built form and hard surfacing proposed will all be away from the part of the site in Flood Zone 2, there would be no increased risk of flooding. The Council resolved to use a planning condition to prevent the erection of any outbuildings within the curtilage of the dwelling to avoid the protected area being constructed over.
- 8.61. The Environment Agency have submitted slightly different comments to this application, despite the proposal remaining largely the same with regards to impact on the flood zone and watercourse. The EA have suggested that the submitted block plan needs to be complied with (showing a 9m buffer left open and free to enable EA's access to the watercourse), in order to ensure compliance with the NPPF's guidance on flood risk.
- 8.62. Officers are satisfied that the condition referred to above, preventing outbuildings being erected within the curtilage of the dwelling, when combined with the standard 'compliance with approved plans' condition used on every application, will respect this request.
- 8.63. As such, the amendments proposed to the scheme do not result in any increased risk of flooding.

9. FINANCIAL CONSIDERATIONS

- 9.1. The majority of the floorspace has been provided under approval S/2020/0428/FUL, for which a CIL exemption was granted.
- 9.2. This application proposes a first floor, which adds more floorspace to this total. This generate an additional CIL charge which will be provided and sent to the applicant on a new Liability Notice.
- 9.3. The new Liability Notice will be exported for view on the public website once any decision has been issued.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. This part retrospective application has been assessed against current local and national planning policy and guidance, paying attention to historic committee, Council and appeal decisions. Officers have carefully considered all relevant viewing points, from the

highway and multiple neighbours as well as from within the site and building itself, to ensure this recommendation is fully informed.

- 10.2. Officers acknowledge that the site and project up to this point has been a source of concern to those occupying neighbouring properties and the Parish Council. This report has attempted to set out how planning legislation does not prohibit an applicant from changing their mind about a scheme, nor does it prevent applicants from seeking changes retrospectively. It has also looked in detail at the planning history of the site to establish critical differences between the scheme seeking approval today and previously refused and dismissed schemes.
- 10.3. The scheme continues to represent the infilling of a plot within the settlement confines of a reasonably sustainable village. The single dwelling is not changing significantly in size, siting or massing; it is gaining 200mm to the ridge line and two modest dormers within the principal roof elevation, neither of which materially impact upon its impact within the street scene or wider area. All other changes and alterations made have been assessed and they, too, are relatively immaterial. Where changes are more significant, such as the change from brick to fence as a boundary treatment along the boundary of 20 Furnace Lane, an analysis (with photos) of the view of the site from the public realm has been carried out to establish why this change, in this particular instance, is considered acceptable, despite the contents of the Council's Design Guide and draft Nether Heyford Neighbourhood Plan.
- 10.4. Where harm has been identified, in this case to residential amenity, reasonable and fully enforceable steps have been taken to ensure that it is mitigated. Obscure glazed windows and the provision of boundary treatments pre-occupation will both successfully safeguard the privacy of neighbouring properties.
- 10.5. Consequently, Officers conclude that the application can be supported, and should be approved subject to the same and / or modified planning conditions (where relevant) as the previous application S/2020/0428/FUL.

11. RECOMMENDATION / CONDITIONS AND REASONS

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS/REASONS FOR REFUSAL

Time Limit

1. The development to which this permission relates (specifically, the insertion of dormer windows and creation of a first floor within the building) shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and

documents:

- Location Plan 2012.10A received 9th July 2021.
- Drawings 2355/09 E & 2355/10 [Block Plan, Floor Plans and Elevations] received 21st September 2021
- Drawing 2115.31 [South-east Boundary Detail] received 21st September 2021
- Drawing 2115.30 [South-west Boundary Detail] received 21st September 2021
- Drawing 2115.32 [Soft landscaping scheme] received 21st September 2021
- Soft landscaping planting schedule received 21st September 2021
- Construction Method Statement – Addendum & Site Plan 2115.10A in respect of Construction Method Statement details only, both approved by application S/2021/0363/COND on 25th May 2021
- Information on finished floor levels contained (and isolated from) document entitled ‘addendum – construction method statement – denbrook nether Heyford.pdf’ and Site Plan 2115.10A in respect of floor levels, brick samples and eaves/verge treatments, as per photographs approved by applications S/2021/0364/COND and S/2021/0365/COND on 25th May 2021 (bricks to be reclaimed from building demolished at 383 Kettering Road Northampton and from a barn that historically stood within the site)
- Document ‘Condition 7 – window – door detail – rainwater.pdf’ showing and describing the windows, doors, material and finish, and drawing 2021.02 showing verge, eaves and chimney details, approved by application S/2021/0367/COND on 31st March 2021

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Roofing Materials

3. The roof shall be finished in Primera Elapi Spanish natural slates with Marley Concrete Modern grey ridge tiles as per the details approved by condition S/2021/0366/COND on 31st March 2021 unless, prior to the commencement of those works, alternative samples of the slates to be used in the covering of the roof of the dwelling (including ridge tiles) are submitted to and approved in writing by the Local Planning Authority. If alternative samples are approved, the development shall be carried out in accordance with the alternative samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Meter Boxes

4. The meter boxes shall be finished and located in the positions shown in documents ‘Condition 8 – meter boxes.pdf’ and drawing 2115.10A both approved by condition S/2021/0368/COND on 25th May 2021 unless, prior to any further works commencing on the development, full alternative details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations

of the buildings shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved alternative details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Unexpected contamination

5. If, during development, contamination is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

Landscaping

6. The site shall be landscaped in accordance with the following plans...
 - Drawing 2115.32 [Soft landscaping scheme] received 21st September 2021
 - Soft landscaping planting schedule received 21st September 2021

...unless, prior to occupation of the development there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:

- details of any proposed tree, shrub and hedge planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- details of all existing trees and hedgerows to be retained and how these will be protected from the development (specifically the mature planting along the south-western boundary with properties in Roberts Field),
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps, access and parking

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved alternative scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest

of well-planned development, visual amenity and to provide an adequate parking provision for the dwelling, to accord with Policy SS2 of the South Northamptonshire Local Plan.

Boundary Treatments

The south-east boundary treatment detail, specifically the proposed 2.5m high brick wall to 29 The Green and the 1.8m high close boarded fence to 20 Furnace Lane, as well as the retaining blockwork wall faced in brickwork, as shown on drawing numbers 2399/5e and 2115.31 both received on 21st September 2021, shall be fully constructed and in situ prior to the occupation of the dwelling hereby approved unless, prior to the occupation of the dwelling, alternative details are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved alternative details.

Reason: To safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Access Improvements

7. No occupation of the dwelling hereby permitted shall take place until the improvements to the access track between the site's entrance and Weedon Road have been made, as indicated on the approved plan 2355/9e received by the Local Planning Authority on 21st September 2021, or in accordance with alternative plans that have been first submitted to and approved in writing by the Local Planning Authority, have been completed

Reason: To accord with Government Guidance in Section 12 of the National Planning Policy Framework and Policy SS2 of the South Northamptonshire Local Plan which requires that development shall have a satisfactory means of access and in the interests of highway safety and the convenience of users of the adjoining highway.

Refuse Storage

8. Refuse storage shall be provided in the location shown on drawing 2021.01 approved by application S/2021/0370/COND on 31st March 2021 unless, notwithstanding any details shown on the approved plans, alternative details of all refuse storage facilities and locations have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The storage facilities shall thereafter be provided in accordance with the approved alternative details before the building to which they relate is first occupied.

Reason: In order that proper arrangements are made for the storage and disposal of waste in the interests of well-planned development and in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Electric Charging Infrastructure

9. The dwelling hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling.

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Maintenance of Planting

10. All planting, seeding or turfing comprised in the approved details of landscaping or any alternative details of landscaping subsequently approved shall be carried out in the first planting and seeding season following the occupation of the building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy SS2 of the South Northamptonshire Local Plan.

Removal of PD rights [extensions]

11. Notwithstanding the provisions of Classes [A-D (inc)] of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no further enlargement, alteration or improvement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : Taking into account the character of the site and the sensitivity of the site's surroundings it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected and that visual amenity is conserved in accordance with Policies SS2 and HE6 of the South Northamptonshire Local Plan and Sections 12 and 16 of the National Planning Policy Framework.

Removal of PD rights [outbuildings]

12. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure, including oil or LPG storage tanks, shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area and amenities of the neighbouring properties and to avoid uncontrolled development within a Flood Zone 2 in accordance with Policy SS2 and HE6 of the South Northamptonshire Local Plan.

Removal of PD rights [solar panels]

13. Notwithstanding the provisions of Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no solar PV or solar thermal equipment shall be installed on the north-eastern roof elevation of the proposed dwelling or on any building within its curtilage without the prior planning permission of the Local Planning Authority.

Reason : To protect the character of the area in accordance with Policies SS2 of the South Northamptonshire Local Plan.

Removal of PD rights [boundary enclosures]

14. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in any location around the dwellinghouse, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain the open, rural character of the area and street scene in accordance with Policy SS2 of the South Northamptonshire Local Plan.

INFORMATIVE

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-

[agency.gov.uk](https://www.planningportal.gov.uk/agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.