



South Northamptonshire Local Area Planning Committee

A meeting of the South Northamptonshire Local Area Planning Committee will be held at The Forum, Moat Lane, Towcester, NN12 6AD on Thursday 12 May 2022 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 7 April 2022.
4.	Chair's Announcements To receive communications from the Chair.

Planning Applications	
5.	Runway west of Forest Road, Piddington (Pages 23 - 50)
6.	Royal Air Force Croughton (Pages 51 - 88)
7.	Land off Leather Lane, Middleton Cheney (Pages 89 - 126)
8.	Land at Waters Lane, Middleton Cheney (Pages 127 - 156)

9.	Manor Farm, Passenham (Pages 157 - 200)
10.	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
4 May 2022

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.

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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
The Forum
Moat Lane
Towcester
NN12 6AD

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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 Thursday 7 April 2022 at 2.15 pm.

Present 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

Officers Emily Shaw, General Planning Team Manager
 Samuel Dix, Principal Planning Officer
 Jamie Parsons, Planning Solicitor
 Richard Woods, Democratic Services Officer

51. **Declarations of Interest**

55. Silverstone Fields Farm, Towcester Road, Silverstone, NN12 8FS

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

52. **Minutes**

The minutes of the meeting of the Committee held on 10 March 2022 were agreed as a correct record and signed by the Chair.

53. **Chair's Announcements**

The Chair made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, 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 have registered, in line with the Committee's speaking procedure, could address the Committee. Members of the public are requested not to call out during the Committee's discussions on any item.
3. For the benefit of those attending virtually, all speakers were requested speak clearly into the microphone when addressing the Committee.

54. **Land North East of Old Tiffield Road, Towcester**

The Committee considered application WNS/2021/2003/MAF for the construction of a building to provide 3,620sq.m GIA of B2/B8 floorspace with ancillary office floorspace (Class E) alongside associated loading bays, parking and landscaping at Land North East of Old Tiffield Road, Towcester for Hampton Brook (UK) Ltd.

Colin Armstrong, Agent for the Applicant and Martin Andrews, a Transport Consultant appointed by Hampton Brook (UK) Ltd, addressed the Committee in support of the application, with the Transport Consultant addressing a number of technical questions regarding the modelling of daily vehicle movements both into, and out of, the site.

Councillors Maggie Clubleby and Lisa Samiotis, local ward members for Towcester and Roade, addressed the Committee in objection to the application.

It was proposed by Councillor Ken Pritchard and seconded by Councillor Karen Cooper that the application be approved, subject to the addition of a condition (Condition 25) that the GIA Floorspace of the proposed development comprising 2,042sq.m of use class B8, 1,200sq.m of use class B2, and 378sq.m of use class E be maintained once the building is in use.

The motion was approved with five votes in favour, and four votes against, therefore the motion was carried.

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/2221/MAF subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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.

Plans & Details

2. Development shall not be carried out otherwise than in accordance with the approved plans and details:

Location and Building Plans

Location Plan 3774/PL/04 Rev A
Proposed Site Layout 3774/PL/SK100 Rev B
Proposed Floor Plans 3774/PL/SK101
Proposed Roof Plan 3774/PL/SK102
Proposed Elevations 3774/PL/SK103
Proposed Street Scene 3774/PL/SK104 Rev A
Proposed External Materials 3774/PL/SK105 Rev B
Proposed Contractors Compound Location 3774/PL/SK106 Rev A
Proposed Chiller Compound 3774/PL/SK74
Proposed Recycling Compound 3774/PL/SK75
Proposed Cycle Shelter 3774/PL/SK76 rev A

Drainage and Construction Plans

Drainage Layout 6228-50 Rev T1
Drainage Details Sheet 1 of 3 6228-17 Rev P1
Drainage Details Sheet 2 of 3 6228-18 Rev P1
Drainage Details Sheet 3 of 3 6228-19 Rev P1
Levels Strategy 6228-16 Rev P3
Topographical Survey 9056a
BREEAM Pre Assessment 2245-YON-XX-XX-RP-Z-3100-01

Tree and Landscape Plans

Pre Development Tree Survey 535-20 Rev 1
Tree Constraints Plan 2088-20-11
Tree Retention, Protection, Removal plan 2088-20-12
Landscape Concept 2088-20-13
Landscape Sections 2088-20-14

Highways Plans

Transport Assessment No.2 6228-R004 dated March 2022
Interim Work Place Travel Plan 6228-R002 rev C
S278 Works 6228-20 Rev P3
S278 Works Details 6228-21 Rev P2
Vehicle Tracking 6228-30 rev P1
Vehicle Tracking 6228-31 Rev P2

Archaeology

Archaeology Desk Based Assessment Part A JAC 266648 Version 3
Archaeology Desk Based Assessment Part B JAC 266648 Version 3

Documents and Reports

Flood Risk Assessment 6228-R003 rev E
Supplementary Ground Investigation Part A 19.03.023 May 2019
Supplementary Ground Investigation Part B 19.03.023 Index Maps

Ecological Appraisal 5504 EcoAp vf1
External LED Lighting Assessment 20-191 Rev 6
External LED Lighting 20-191-EX-001 Rev PL8
Air Quality Assessment AQ051757 V4
Operational Noise Impact Assessment REP-1012556-05-AM-20210505 Rev 2

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Construction Method Statement

3. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- measures to control overspill of light from security lighting
- construction traffic operational times (to be outside local peak periods)
- a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan 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.

Archaeological Reporting

4. Within 6 months of the completion of the archaeological fieldwork in accordance with the written scheme of investigation prepared by MOLA Northampton, by Mo Muldowney dated January 2022, 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.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in Section 16 the National Planning Policy Framework and with Policy HE2 of the South Northamptonshire Local Plan.

Archaeological Archive

5. Within 2 years of the completion of the archaeological fieldwork in accordance with the approved WSI by MOLA Northampton, dated January 2022, the applicants (or their agents or successors in title) shall prepare the site archive and complete 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 Section 16 the National Planning Policy Framework and with Policy HE2 of the South Northamptonshire Local Plan

6. Plant and Equipment Noise Assessment

Prior to the installation of any fixed plant or machinery, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed a level 5dB (A) below the existing background sound levels at any sound sensitive premises.

All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound)

and/or its subsequent amendments. The approved scheme shall be implemented prior to the installation of the fixed plant or machinery.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Plant and Equipment Noise Assessment

7. 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.

Local Labour Strategy

8. No development shall commence above slab level until a Local Labour Strategy is submitted to and approved in writing by the Local Planning Authority. The Local Labour Strategy will be implemented in accordance with the approved details.

Reason: In the interests of supporting economic growth and sustainability in accordance with the NPPF.

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

Surface Water Verification Report

9. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment '6228-R003-FRA- Rev E' has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.

The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

S278 Highway Works

10. Prior to development above slab level, the works to improve the vehicle crossover points and visibility splays at the existing bellmouth and new signage and markings for cyclists shall be undertaken in accordance with an approved

S278 agreement, which has previously been submitted to and approved in writing by the Local Highway Authority.

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.

Landscape Maintenance

11. 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 occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] 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.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Travel Plan

12. The Interim Workplace Travel Plan (report reference 6228-R002-C) by BCAL Consulting dated November 2021 shall be implemented and operated in accordance with the approved details, at first occupation and thereafter of the development hereby approved.

Reason : In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework.

Ecology

13. The development hereby permitted shall be carried out in accordance with the mitigation, recommendations and enhancements in section 6 of the Ecological Appraisal, by Aspect Ecology, dated May 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.

Construction Hours

14. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 08:00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays, without the prior written consent of the Local Planning Authority. . Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy SS2 of the South Northamptonshire Local Plan.

Lighting Strategy

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in section 2.0 of the External LED Lighting Assessment Report by mba consulting engineers dated November 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of light in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Noise Strategy

16. The development hereby permitted shall be carried out in accordance with the recommendations set out in section 9 of the Operational Noise Impact Assessment by Hoare Lea dated 5 May 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy SS2 of the South Northamptonshire Local Plan.

17. **Restrictions of Use**

Any premises first used for purposes within Class B1(a), B1(b), B1(c), B2, and B8 shall thereafter only be used for those purposes as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as that Order applied in England on 31 August 2020 and for no other purpose(s) whatsoever.

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and

parking and to accord with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Site Clearance

18. Where an offence under Regulation 41 of the "The Conservation of Habitats and Species Regulations 2017 (as amended) 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 bat species and great crested 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 protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy NE5 of the South Northamptonshire Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

Native Species

19. 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. **Land Contamination**

If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, 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 and Government guidance contained within the National Planning Policy Framework

21. **External Storage**

Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings.

Reason : In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with

Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Sustainability

The development hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard, or any future national equivalent standard that replaces it.

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 and to comply with Policy S11 of the West Northamptonshire Joint Core Strategy.

23. Refrigerated Trailers

In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework

Soil Importation

24. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the local planning authority, the results of which shall be submitted to and shall be approved in writing with the local planning authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and pollution reduced in accordance with policy BN9 of the West Northamptonshire Joint Core Strategy.

GIA Floorspace Split

25. The development hereby approved shall be implemented and thereafter maintained in accordance with the following GIA floorspace split; Class B2 1200sqm, Class B8 2042sqm and Class E (g) 378sqm. Any premises first used for purposes within Class B2 and B8 with ancillary Class E (g) shall thereafter only be used for those purposes as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as that Order applied in England on 31 August 2020 and for no other purpose(s) whatsoever.

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby

residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

55. Silverstone Fields Farm, Towcester Road, Silverstone, NN12 8FS

The Committee considered application WNS/2021/2221/MAF for the erection of a new sui generis use saw mill and storage facility, and yard extension at Silverstone Fields Farm, Towcester Road, Silverstone, NN12 8FS for Linnell Brothers Limited.

There were no public speakers on this item.

In reaching its decision, the Committee considered the officer's report and presentation, and the written updates.

Resolved

(1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/2221/MAF subject to:

1. No objection being raised by the Lead Local Flood Authority.
2. Confirmation from the Council's ecologist that further surveys are either not required, or the satisfactory completion of such surveys and any mitigation that may be recommended (to be secured by condition).
3. The following conditions set out below (and any amendments to those conditions as deemed necessary).

CONDITIONS

Time limit and approved plans

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.

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 (drawing ref: 2801/ME/SL/P1)
Site Plan As Proposed (drawing ref: 2801/ME/SP/P rev P4)
Elevations – Sheet One (drawing ref: 2801/ME/E/1 rev P5)

Elevations – Sheet Two (drawing ref: 2801/ME/E/2 rev P5)
Elevations – Sheet Three (drawing ref: 2801/ME/E/3 rev P5)
Floor Plan (drawing ref: 2801/ME/P/1 rev P5)
Landscape Strategy Plan (drawing ref: 10248L.LSP.001 rev D)

All received by the Local Planning Authority on 29th December 2021.

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

BREEAM

3. 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 Policy S11 of West Northamptonshire3 Joint Core Strategy and Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Materials

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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 Policy and Government guidance contained within the National Planning Policy Framework.

Archaeology

5. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) Approval of a Written Scheme of Investigation;

(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

(iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;

(iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason : To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205

Noise

6. No development above slab level shall take place until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site.

Reason : In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

External lighting and storage

7. No external lights/floodlights shall be erected on the land or building unless details of the lighting are first submitted to and approved in writing by the Local Planning Authority. Thereafter any lighting shall be installed and retained in accordance with the details so approved.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

8. No open-air storage shall take place within the new yard area unless and until details are first submitted to and approved in writing by the Local Planning Authority regarding the exact areas to be used for additional open air storage, the type of product to be stored in the open-air, and the maximum height of any such product or stack of products. Any open-air storage within the new yard area shall thereafter be carried out in accordance with the details so approved.

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

Landscaping

9. No trees shall be removed until a Tree Protection Plan is submitted to and approved in writing by the Local Planning Authority detailing how those trees that are identified for retention in the Arboricultural Survey Report and Impact Assessment, prepared by Landscape Science Consultancy (received by the Local Planning Authority on 29th December 2021), are to be protected. The

trees shall thereafter be protected during construction in accordance with the details so approved.

Reason : In the interests of identifying and retaining important trees on the site in accordance with Policies SS2 of the South Northamptonshire Local Plan 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. All planting, seeding or turfing comprised in the approved landscape strategy plan (drawing ref: 10248L.LSP.001 rev D) shall be carried out in the first planting and seeding seasons following the occupation of the building(s) and shall be maintained for a period of 10 years from the completion of the development. Any trees and/or shrubs which within a period of 10 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.

Parking

11. The proposed parking (including 5no. Electric Vehicle charging points), turning, loading and unloading facilities shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

Hours

12. The operational use of the premises hereby permitted shall be restricted to the following times:-

Monday - Friday : 7:30 a.m. to 6.00 p.m.

Saturdays : 7.30 a.m. to 12.30 p.m.

Sundays, Bank and Public Holidays : No time.

Reason : To protect the amenities of the surrounding area and to comply with Policy SS2 of the South Northamptonshire Local Plan.

Permitted development and use

13. Notwithstanding the provisions of Part 7 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 building hereby permitted 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.

14. The development hereby permitted shall be used only in conjunction with the existing timberyard/sawmill use on the adjoining site and shall not at any time accommodate a separate business or use unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure effective planning control, prevent the subdivision of the site and ensure the development remains an appropriate extension in accordance with Policies SS2 and EMP2 of the South Northamptonshire Local Plan (Part 2).

15. No retail sales shall take place from within the extension hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason : For the avoidance of doubt and to prevent the establishment of uses that would be unsustainable within the open countryside.

56. **Urgent Business**

There were no items of urgent business.

The meeting closed at 3.57 pm

Chair: _____

Date: _____

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West Northamptonshire Council
 South Northamptonshire Local Area Planning Committee
 Thursday 12 May 2022

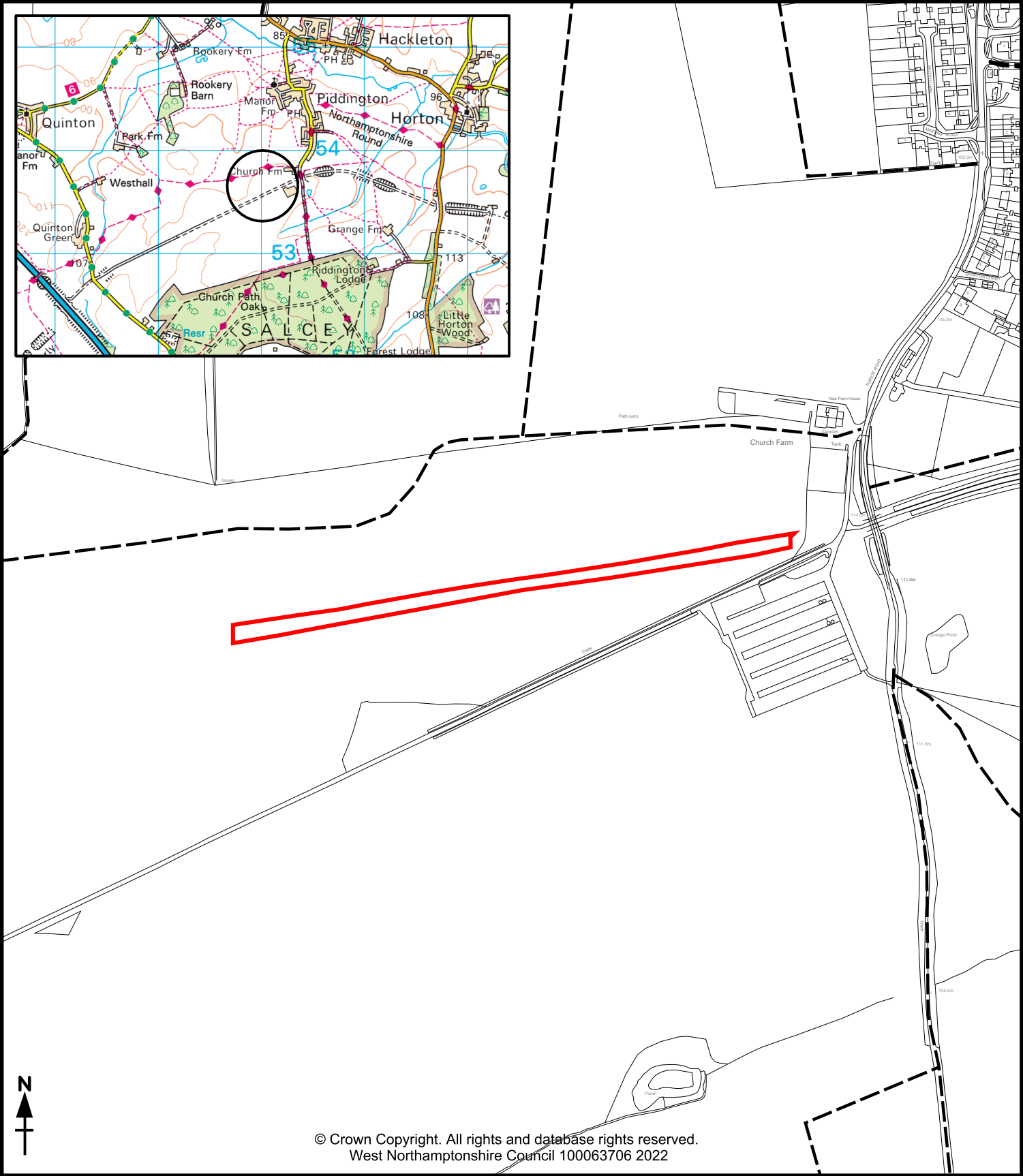
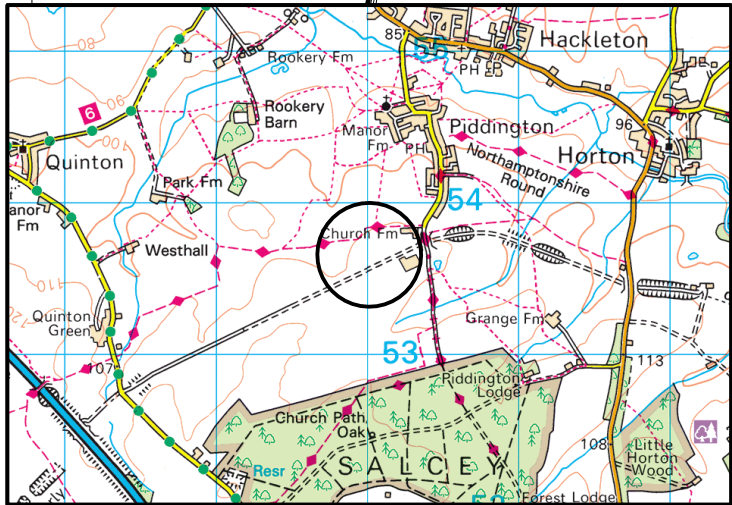
Agenda Item	Ward	Application Number	Location	Officer Recommendation	Officer
5	Hackleton & Grange Park	WNS/2022/0154/FUL	Runway west of Forest Road, Piddington	Grant Permission*	Samuel Dix
6	Middleton Cheney	WNS/2021/1564/MAF	Royal Air Force Croughton	Grant Permission*	Tom Ansell
7	Middleton Cheney	WNS/2021/0931/MAO	Land off Leather Lane, Middleton Cheney	Grant Permission*	Tom Ansell
8	Middleton Cheney	WNS/2021/1815/MAR	Land at Waters Lane, Middleton Cheney	Grant Permission*	Tom Ansell
9	Deanshanger	WNS/2021/1797/MAF	Manor Farm, Passenham	Grant Permission*	Tom Ansell

*Subject to conditions

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Application Number: WNS/2022/0154/FUL

Parish: Hackleton CP



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West Northamptonshire Council 100063706 2022

Town/Village: Piddington

 Site

Site Area: 0.5184 Ha

 Public Right of Way

Grid Location: SP 79998 53653

Map Scale: 1:5000

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Application Number: WNS/2022/0154/FUL

Parish: Hackleton CP



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Map Scale: 1:5000

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2022/0154/FUL

Location: Runway west of Forest Road, Piddington

Proposal: Change of use from Agricultural to grass runway with associated facilities for use as a microlight airfield (Retrospective)

Applicant: Mr Chambers

Agent: Mr Mark Carter

Case Officer: Samuel Dix

Ward: Hackleton and Grange Park

Reason for Referral: Called in by Cllr. Cole

Committee Date: 12th May 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposed development is the retrospective change of use of an agricultural field for aviation purposes. This comprises a mown grass runway that is predominantly used by microlight aircraft, along with ancillary welfare/storage facilities and aviation paraphernalia such as a windsock that is erected adjacent to the runway.

Consultations

The following consultees have commented on the application:

- Hackleton Parish Council
- British Horse Society
- County archaeologist
- Civil Aviation Authority
- Environmental Health
- Local Highway Authority

Around 112 letters of objection have been received and around 157 letters of support have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of development (including residential amenity);
- Highway safety (including rights of way);
- Visual impact; • Ecology.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to strict 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 comprises an area of farmland to the south of Piddington, near the point at which Forest Road becomes a byway. It is flat and featureless although occupies relatively elevated ground, affording views of the surrounding open countryside and towards Northampton. Buildings in the immediate locality are agricultural in nature, with a pair of dwellings associated with the farm also located to the north. The wider farm is known as New Farm and the airstrip known as New Farm aerodrome accordingly (for the purposes of this report the terms airstrip, aerodrome, and airfield are used interchangeably).

2. CONSTRAINTS

- 2.1. The application site is within open countryside and is also subject to the following other constraints:
- An area of archaeological interest;
 - Within 2km of 6no. Local Wildlife Sites;
 - Within a gas pipeline consultation zone.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development is retrospective and comprises the change of use of agricultural land to aviation purposes. In terms of physical operations, the application seeks to regularise the 550m long mown-grass runway on the site alongside ancillary development including the site of a mobile home for welfare facilities and a barn for storage. There is also a wind-sock immediately adjacent to the runway.
- 3.2. The applicant is seeking a permanent permission and, in negotiation during the course of the application, has indicated they would not welcome any conditions that significantly limit the aviation use of the site. 128 days of unrestricted use has been suggested as the

minimum that would be acceptable to the applicant, or up to 1,000 aircraft movements per year.

- 3.3. It is understood that the site is currently predominantly used for flying microlights although is occasionally also used by paramotors, helicopters, and vintage fixed-wing aircraft.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

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
- S10 – Sustainable Development Principles
- E7 – Tourism, Visitor and Cultural Industries • R2 – Rural Economy

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
- EMP4 – The Visitor Economy

Hackleton Neighbourhood Development Plan (HNDP)

- 5.5. The relevant policies of the HNDP are:

- HNDP4 – Sustainable Design and Construction
- HNDP8 – Conserving and Enhancing the Landscape

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Government's General Aviation Strategy

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
Environmental Health	Comment	Further information required in respect of noise, light, air and land quality.
Hackleton Parish Council	Comment	Concerns expressed with regards to the accuracy of information presented, the licensing of paramotors, suggest restriction of number of days of flying and hours of use, need to assess traffic generation, reports required regarding hazardous materials, noise, disturbance, ecology and nature conservation, "neighbour" comments are not all from local residents, suggest moving of airstrip away from the bridleway and byway.
Local Highway Authority	Comment	Request further information regarding events through the year, including anticipated vehicle numbers and type. Concerns regarding proximity of bridleway and suggest consulting British Horse Society.
County Archaeologist	Comment	Requests information regarding any groundworks likely to disturb subsurface remains.

<p>British Horse Society</p>	<p>Comment</p>	<p>1. The runway is near many equestrian rights of way that provide popular access to and from Salcey Forest as well as valuable circular routes. Bridleways KM18, KM40 and Byway KM56 (Midshires Way) are particularly close to the airfield/runway (please see illustration below (bridleways are all marked in green, and Midshires Way is clearly labelled). Low flying-aircraft can potentially have fatal consequences for horses and riders ('Helicopter Horror', Horse and Hound, 1.6.2017).</p> <p>2. There are many local livery yards and horse riders in the area who rely on safe access to these networks for their livelihood, equestrian sport fitness training (endurance riding etc), recreation and physical and mental well-being. Many local riders have chosen to live close by to enjoy the large number of bridleways and woodland landscape. If planning were to be granted local livery businesses may be</p>
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		<p>affected. According to BETA data (2019), the contribution of the economy per horse is £5,548. The horse population in the area stands at 1105 in the NN7 postcode alone, so this makes a total contribution to the economy of £6,130,540.</p> <p>3. The runway runs parallel with bridleway KM18, this is a real safety concern. Granting planning permission will mean an increase in air traffic, associated increase in noise and activity and potentially more horse-riding incidents. Any increase in the amount of road traffic driving to the airfield, would also need to cross the path of bridleway KM18 to gain access to the airfield, so priority should be given to rights of way users by way of appropriate signage etc. Local riders are concerned they may no longer be able to use the surrounding bridleways safely and without obstruction if planning permission is granted.</p> <p>4. The statements made in 'Supporting Statement V.5' (No.6 Aircraft Types and No.8 Movements) regarding types of aircraft, commercial training, and number of aircraft flights expected per annum, is quite vague and some restrictions on activity may be prudent and could be monitored accordingly. Further clarification regarding amount and type of daily activities and amount of road traffic expected (including during weekend events), would be useful to establish realistic impact on all rights of way users.</p> <p>5. Referring to the supporting documentation Appendix H – Circuit Plan. Light Aircraft will be taking off and landing from both directions dependent on runway used parallel to Bridleway KM18. Bridleways KM40, KM17, KY1, KM14, KM15 are also near or under this flight path circuit. All circuits will cross Byway (KM56) twice - there is no specification of the height at this point whilst taking off or landing. During landing any light aircraft/microlight could surprise a horse if it appears suddenly within its field of vision or if it approaches at speed. The British Microlight Aircraft Association BMAA 'Good Practice for Microlight Clubs' (2013) states under 'Surrounding Area' page 7.</p>
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		<p>'We have learnt that engines do fail. Knowing that this can happen at any time, microlights should be operated so that a</p>
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		<p>safe landing can be made when it does. A critical time for engine failure is when the aircraft is close to the ground usually just after take-off and into the climb to good surface height.' The potential for accidents to occur is also of concern so close to several public rights of way. There have been several light aircraft accidents/pilot fatalities recorded (UK approach to Recreational General Aviation Safety Report, Civil Aviation Authority (2020) - 652 fatalities due to light aircraft of which 196 fatalities due to helicopters and Microlights between 1980 and 2018 – this probably only represents a proportion of actual accidents recorded.</p> <p>6. Whilst no formal complaints have been made since the airfield has been operating, most incidents relayed by local riders appear to have coincided with the increased activity at the airfield over the last 12 months or so - 70 flights were recorded at one weekend event which was held last year. Whilst horses can adapt to many local circumstances, Salcey Forest also attracts horse riders from elsewhere. The forest and surrounding bridleways provide pleasant, safe, and stress-free off-road riding and it's important that this should be considered. According to latest DEFRA horse passport statistics there are 26116 horses in Northamptonshire.</p> <p>7. The council's latest Public Rights of Way improvement plan has identified the importance and need for further off-road riding and creation of more circular routes in Northamptonshire. Any activities close to Bridleways that could deter equestrian use would go against these objectives. Roads in the county are becoming increasingly busy leading to further fragmentation of bridleways due to development. As equestrians only have access to around 22% of the public rights of way network nationally it is important that current access is maintained.</p>
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Civil Aviation Authority	Comment	CAA do not monitor or oversee unlicensed aerodromes; only where training takes place or fuel is stored.
		<p>New farm is a small, private unlicensed aerodrome in uncontrolled airspace. The owners are responsible for the safe operation of the site and the users of the site, as qualified pilots, are responsible for the safety of their respective flight when arriving and departing the site. This is normal practice at such sites. Microlights, can be considered very much part of the wider general aviation picture. They are safe, modern, quiet and efficient machines with similar performance characteristics to larger aircraft in the light aircraft category.</p> <p>We certainly support the retention of the aerodrome operation at New Farm. Such facilities are important to general aviation in the UK. The AAT would be delighted to support the local authority as required, should any conditions be put forward for the future use of the site. Our unlicensed aerodromes vary in the UK and so any conditions should be proportionate for this operation. New Farm aerodrome, is not a training environment and movement numbers are low. As such, any conditions should not degrade how it has operated under the 28 day rule to date.</p>

7. RESPONSE TO PUBLICITY

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

7.1. There have been around 269 letters received of support and objection raising the following comments:

- The aerodrome is a useful and well-located facility that does not cause disturbance;
- Too many aerodromes are becoming unavailable;
- The aerodrome is well-run and it is enjoyable to watch aircraft using the site;
- The development causes disturbance and prevents sleep and enjoyment of gardens and outdoor areas;
- It is not appropriate to take access through Piddington village;

- The development will evolve into accommodating other aircraft if permission is granted;
- The development is dangerous to horse-riders;
- The development is disruptive to peaceful enjoyment of the countryside;
- The development would have an adverse effect on local wildlife;
- The development is dangerous.

8. APPRAISAL

Principle of development (including amenity)

Policy context

- 8.1. There are no policies in LPP1, LPP2 or the HNBP that directly relate to aviation. Policy 106 of the NPPF explains though that planning policies should recognise the importance of maintaining a national network of general aviation airfields and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy. In turn, the General Aviation Strategy supports the deregulation of microlight flying and the encouragement of the planning system to support maintaining sufficient general aviation facilities in order for aviation to be viable.
- 8.2. There are development plan policies that are indirectly relevant to the proposed development. Policy E7 of LPP1 concerns tourism, visitor and cultural industries, and Policy R2 addresses the rural economy. E7 states that proposals will be supported where they contribute to regeneration; strengthen overall tourism offer; benefit local communities and business; and are of a use, form and scale which does not harm the quality of the natural or built environment. It specifically states rural visitor attractions should conform with Policy R2. In turn, R2 says that in the rural area small-scale tourism proposals, including visitor accommodation are acceptable.
- 8.3. Policy EMP4 of LPP2 expands on this and says proposals for the visitor economy will be acceptable outside of settlement confines where the location is essential to the business, and the vitality and viability of nearby settlements is not adversely affected, and where existing tourism service and facility provision is complemented. Proposals for caravans, chalets and camping development will be required to be located in an area with opportunities for informal countryside recreation; accessible to local services and utilities; not have an adverse effect on visual amenity or character of the countryside; not detract from the amenity presently enjoyed by local residents, have good access to the road network and not give rise to significant problems of traffic congestion or safety, and be sympathetic to the environment in terms of number, siting, colour and design.
- 8.4. Policy SS2 of LPP2 and Policy HNBP4 each contain criteria to ensure that the amenity of nearby residents is respected by development.

Assessment

- 8.5. In the case of this application, the principle of development is inextricably linked to its impact on residential and countryside amenity and, as such, both matters are considered collectively under the same assessment heading.

- 8.6. As outlined in the policy context above, there are no directly relevant development plan policies that may be applied to the proposed development, which is unusual and without much recent precedent in West Northamptonshire. In this instance the change-of-use of the land to aviation purposes is not commercial in nature but equally, based on the letters of support received, is clearly more intensive than simply a personal use. It is understood that the runway is made available to fellow microlight enthusiasts who arrange landings directly with the applicant. Furthermore, various organised events are held at the site for charitable purposes; these were said to number around 5 weekends per year prior to the pandemic. In this context the development may be regarded as a personal interest that has evolved and grown into a facility enjoyed by other hobbyists but is not run 'professionally' in the sense that income is derived from it.
- 8.7. Policies concerning employment development and farm diversification are therefore not relevant. However, given the nature by which the site is used by pilots purposefully arriving at it as a destination from all over the UK, it is considered by Officers that the principle of development may be at least partially assessed with reference to policies concerning tourism and the visitor economy.
- 8.8. As outlined above, Policy R2 of LPP1 explains that small-scale tourism proposals will be acceptable in the rural area. Policy E7 of LPP1 states proposals should respect the qualities of the natural environment. Policy EMP4 of LPP2 expands on this and explains that outside of settlement confines, proposals supporting the visitor economy will be acceptable where the location is essential to the business; does not affect the vitality and viability of nearby settlements, and complements existing tourism service and facility provision.
- 8.9. Officers consider that the proposed development only partially complies with these criteria. Whilst an aviation destination realistically cannot be located within settlement confines and therefore an open countryside location is technically essential (notwithstanding the fact the use is not a 'business' in this instance), there is significant doubt as to how it affects the vitality of nearby Piddington. The issue of residential amenity is considered in due course but, in summary, Officers consider that there is insufficient justification regarding noise and disturbance to allow the proposed use on a permanent unrestricted basis. In this context, it is highly questionable whether the proposed development, in an unrestricted form, is the type of 'small scale' proposal supported by Policy R2 that would not adversely affect the quality of the natural environment in accordance with Policy E7, particularly as 'respecting the quality of tranquillity' is an emphasis for development in rural areas according to Policy S1 of LPP1.
- 8.10. It is acknowledged that there would be some degree of complementary relationship with nearby facilities with the potential for pilots to use the nearby pub in Piddington. This is given limited weight though as that is just one criteria of Policy EMP4 (all of which must be satisfied). Furthermore, it runs counter to sustainable development principles to give significant weight to any situation where long distances are flown rather than travelled by public transport or non-motorised means.
- 8.11. There is ambiguity in the application as to what the mobile home is to be used for. On the submitted plans it is annotated as being for welfare (i.e hot drink preparation etc) although reference has also been made during pre-application discussions and the application itself to camping or overnight stays on occasion by microlight enthusiasts. Nevertheless, the mobile home does not appear inconsistent with any of the six criteria in Policy EMP4 concerning caravans/chalet homes. The possible exception is good access to road network, although this matter may be mitigated by a condition it is only used in association with aviation purposes and not as a general holiday facility for those

arriving by vehicle. Therefore, in principle, the mobile home itself is acceptable in its own right as an ancillary part of the wider development.

- 8.12. Notwithstanding the policy assessment outlined above, a fundamental consideration affecting the principle of development is the extent to which the use could be carried out using permitted development rights. Class B of Part 4 of the General Permitted Development Order allows up to 28 days use of land for any purpose (with certain exceptions and restrictions, none of which apply in this instance). In addition, Class BA of Part 4 allowed a further 28 days of temporary use throughout 2021 in response to the coronavirus pandemic. Therefore throughout 2021 the airstrip may have been lawfully

used for up to 56 days of the year. Class BA has now expired and therefore in 2022 and beyond, without the planning permission now sought, the airstrip may only lawfully be used for 28 days per year. This is henceforth referred to as 'the 28 day rule'.

- 8.13. Ordinarily the 28 day rule would apply to each calendar day with the annual 'allowance' depleted by one on each day the use occurred, i.e. two aircraft using the airstrip on a Tuesday would count as one day in the same way that fifty aircraft using it on a Saturday would count as one day. There is no distinction in planning terms between the type of aircraft that count towards the 28 days of use. However, in this instance, because paraphernalia such as the windsock are left permanently in place, the Council's enforcement team take the view that the 28 day allowance is depleted each day regardless of whether any flying takes place; i.e. the use has a physical presence that makes the development as a whole permanent rather than temporary.

- 8.14. It is accepted that the physical presence of the airstrip is almost entirely without visual harm. The windsock and mobile home/barn are not visually intrusive and the airstrip itself is simply mown grass that would not need permission if it was not used for flying purposes. Therefore the application before the Council now represents an opportunity to regularise the physical presence of the development whilst restricting the use itself to a level that is acceptable.

- 8.15. It would remain open to the applicant to remove paraphernalia from the land on each day that flying takes place and use the 28 day rule to achieve 28 days of flying to/from the land each year. This is given significant weight by Officers as a fallback position and establishes the principle of development. Instead, the relevant assessment is to establish how far beyond 28 days the principle of development would remain acceptable in terms of its scale and impact on the amenity of surrounding residents and countryside users. Material considerations affecting this assessment include the fact that flying is naturally restricted by weather conditions. Rainy, windy, and icy days are all likely to preclude flying from the site. However, it is equally true that clear, warm, dry days are likely to be the occasions that the development presents the greatest chance of conflict with the vitality and amenity of nearby Piddington, as residents will be more likely to be outside in such conditions and nearby rights of way are likely to be in more intensive use at such times.

- 8.16. The application is an archetypal example of the planning system having to resolve and arbitrate between competing interests. The proposal has generated a very large number of comments both for and against in roughly equal volume. On the one hand the facility is clearly of great value for the aviation community, with the Civil Aviation Authority in particular supporting its retention in accordance with the Government's General Aviation Strategy. The CAA indicate the site is no different to others around the country that operate without disturbance to nearby bridleways and settlements. The applicants themselves point to the fact only one complaint has been received in the years since

flying first took place from the site in 2015. However, on the other hand, the Council cannot simply disregard the large number of objections received from local residents who claim disturbance from aircraft is indeed harmful to their amenity. The point being that formal complaints are not the only measure of the development's impacts, and the Council must also consider potential additional impacts should the use intensify further.

- 8.17. In the case of potentially disruptive uses, Officers would ordinarily seek a noise assessment or a similar professionally prepared report to objectively assess the concerns raised. Indeed, this was requested of the applicant during both pre-application discussions and the application itself. However the application remains deficient and vague in respect of certain matters, including noise. The applicants' position is that, a noise assessment is not necessary despite the advice of Officers. It is claimed that 90% of modern microlights are properly silenced and designed for quiet operation. In terms of

how aircraft are actually flow in and around the site, the applicants rely heavily on 'good practice' for pilots and individual responsibility for considerate flying. They point to the fact that flying has taken place since 2015 with 3,500 aircraft movements in the five years to October 2020 with only one complaint being raised.

- 8.18. Extracts of movement logs have been provided to demonstrate that pilot details are recorded in order that any irresponsible flying could be identified as necessary. Officers requested full movement logs from the preceding years in order to establish how the use of the airstrip may have intensified since its inception. These could also have been crossreferenced with disturbance logs provided to the Council's enforcement team by complainants in order to confirm the accuracy of both sets of logs. The applicant declined to provide a full set of movement logs. They have, however, provided take-off and landing plans that show the circuit paths microlights take to/from the airstrip, avoiding properties in nearby Piddington. Whilst clearly material to the application, Officers have doubts as to the enforceability of such plans. It would be highly difficult to precisely monitor and prove unauthorised actions taking place above land and, in the event that an enforcement notice needed to be served, this would have to specify an area of land (NB. not air) where a breach had occurred with no ability to specify, for example, the height of any such breach.

- 8.19. The applicant has also acknowledged that objections on noise grounds are potentially the result of occasional use of the site by paramotors or helicopters, which whilst infrequent are noisier and would potentially have drawn attention to general activities at the site. The description of development as applied for refers specifically to microlights and therefore it would seem reasonable that a condition restricting the type of aircraft to microlights is used. This would eliminate the potential for noise from other aircraft.

- 8.20. To further assess the matter of amenity, discussions have been held between Officers and the Civil Aviation Authority (CAA) to establish respective responsibilities for this development. In summary the CAA would only actively oversee or regulate the proposed development if flight training were to take place, or if large quantities of aviation fuel were stored on the site. Neither of these circumstances apply in this instance and, as such, the CAA effectively agree with the applicant that the safe and considerate operation of the development is covered by the self-governing 'best practice' of microlight pilots and their individual licenses. Nevertheless, in the absence of any other regulatory body, it remains open to the Local Planning Authority to not accept this at face value and seek further assurances or restrictions to make the development acceptable in planning terms.

- 8.21. The most direct way of making the development acceptable in planning terms would be restrict the number of days flying may take place from the site. Negotiation with the

applicant has indicated that they would accept a minimum of 128 days flight per year from the site and/or 1,000 aircraft movements per year. The former is based principally on the two applicants' own flying from the site, with each flying approximately 50 hours per year. Assuming an average flight length of 30mins (and only one flight per day) then their personal activities would amount to 100 days of flying from the site. The additional 28 days would cater for other pilots and/or informal events being held. It is unclear how a figure of 1,000 movements per year has been derived but Officers note that this exceeds the 700 per year average that apparently took place in the 5 years to October 2020. A further ambiguity presents in the fact that allegedly only 5-10% of the movements would be generated by the applicants themselves, whereas under the number of days sought the proportion of personal use would be closer to 80%.

- 8.22. Regardless of these ambiguities, the preferred method of restriction in planning terms would be a time limit, as this is easier to monitor and enforce and gives greater assurances to the local community. However, an issue arises in that the Council would have no means of distinguishing how an annual allowance of days would be used. Whilst

it is quite feasible an allowance of 128 days of flying would be used in the manner described by the applicant, with the majority of days comprising just one or two aircraft movements for personal use, it is equally feasible that the majority of days of use could be put towards third parties or events with a much more intensive level of aircraft movements. For the avoidance of doubt, Officers have no evidence either way beyond the assurances of the applicant, but do need to be certain that any restrictive conditions are effective in achieving their purpose. In this instance, the purpose of limiting the number of days use of the site would be to ensure the development remains of a scale that is appropriate in this location (in accordance with Policies E7, R2, and EMP4) and to preserve the amenity of nearby residents (in accordance with Policies SS2 and HNDP4), as no objective evidence has been provided to support an unrestricted use.

- 8.23. Taking into account all of the following considerations: the baseline offered by the 28 day rule; the extended 56 days that were allowed in 2021; the fact the use has occurred in some form for 7 years; the applicant's request for 128 days of use; the support of the Civil Aviation Authority and the Government's General Aviation Strategy, but also; the relative paucity of information accompanying the application, the recommendation derived at by Officers is that permission be granted for 84 days of flying per year from the site. Further conditions will be used to limit the hours of flight and the type of aircraft using the site. Crucially, Members should note that this figure is a subjective compromise that may be adjusted up or down on the basis of different weight being given to relevant issues, as well as evidence that may be heard at the committee meeting itself.

- 8.24. It would also be open to Members to consider other more specific restrictions such as limiting activities on certain days or months (e.g. on Sundays) or potentially restricting the number of consecutive days of flying in addition to the overall total. None of these possibilities have been explored with the applicant because their position remains that restrictive conditions are not necessary.

- 8.25. For the avoidance of doubt, refusing planning permission would not prevent the applicant from using the 28 day rule to continue flying from the site. In the event that Members are not inclined to endorse the use beyond 28 days, it is still recommended that permission be granted in order that the physical aspects of the development (i.e. windsock, storage and welfare facilities) may be regularised, with flying itself restricted to 28 days by condition in a manner consistent with Class B of Part 4.

Conclusion

- 8.26. The acceptability in principle of development is difficult to conclusively establish with reference to development plan policies. In the absence of any objective evidence, a permanent unrestricted use of the site for aviation purposes is considered to represent a scale of development that is contrary to policies concerning the visitor economy in open countryside, and those seeking to preserve the amenity of nearby residents and countryside users. However, the use may take place for 28 days per year regardless of planning permission being granted, and is also supported in general terms by the Civil Aviation Authority and the Government's General Aviation Strategy. In summary, a compromise of 84 days per year of flying has been identified as a possible solution by Officers. Subject to this restriction and others concerning hours and types of aircraft, the proposed development is considered to be acceptable in principle.

Highway safety (including rights of way)

Policy context

- 8.27. Policy SS2 of LPP2 requires developments to be designed to provide an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures. It also requires the inclusion of a safe and suitable means of access for all people, including pedestrians, cyclists, and those using vehicles.
- 8.28. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 8.29. The proposal's impacts on highway safety may be assessed in terms of both traffic generation and the impacts of microlights flying over the top of nearby rights of way, potentially at low height, and the implications of this on safety (particularly horses, given the nearest rights of way are bridleways and byways).
- 8.30. Taking traffic generation first, Piddington is served by a no-through road that terminates at the application site. Therefore the only way to/from the site by car is through the village. Nevertheless, access and traffic generation are not considered fundamental constraints to the proposed development because the principal means by which the airstrip is used is as a destination for incoming pilots rather than a facility in which aircraft are taken on trailers to and from the site for use.
- 8.31. The Council would not be able to ensure this manner of use continues in the future but it is understood that it is largely self-controlling as most microlights and other light aircraft are stored in hangars at dedicated airfield facilities, from where they also take off. Although it is understood trailers do visit the site, this is a relatively low proportion of its use as it is relatively cumbersome for pilots to transport their aircraft by road to the application site rather than fly-in from where they are stored. Nevertheless, to prevent the development becoming a hangarage facility as well as an airstrip, which would increase vehicle movements through Piddington, a condition is included in the recommendation that restricts the storage of aircraft at the site to those belonging to the applicant.

- 8.32. Subject to this condition, the proposed development is not considered to have an adverse impact on highway safety (in terms of the road network), and certainly not a 'severe' impact that would justify refusal under paragraph 111 of the NPPF. It should also be noted that the wider application site comprises an extensive agricultural holding with sizeable poultry facilities that are currently mothballed. These could be brought back into use at anytime without permission and would result in a significantly greater number and size of vehicles accessing the site through the village. Against this context the proposed development is not considered any more harmful.
- 8.33. The impact of the proposed development on the safety of bridleways may be largely assessed in the same manner the principle of development and residential amenity are assessed above. Again, key considerations are that the flying may take place for 28 days a year without permission and that the Civil Aviation Authority are content that bestpractice and individual responsibility are sufficient to mitigate any conflict. However, as referred to above, Officers have significant doubts as to the enforceability of flight approach plans and other mitigation (beyond signage) that may be put in place to limit conflict between pilots and users of the rights of way.
- 8.34. In respect of horses specifically, the British Horse Society were consulted and raise several concerns regarding the proposed development. They highlight the proliferation of equine uses locally as well as the fact the bridleway to the immediate east of the site leads to/from Salcey Forest, which is well-used by horse-riders. They also refer to the likelihood of accidents to occur with aircraft shortly after take-off or before landing, which in this instance could include failure over the rights of way, endangering users who are in the vicinity at the time.
- 8.35. The applicants and the CAA refer to general guidance that indicates mutual responsibility between pilots and rights of way users (including horse riders) to be aware of one another. The CAA's own guidance (in a document entitled "CAP 793") states:
- "If the aerodrome is accessible to the public or to livestock, aerodrome operators and pilots should always ensure that both are clear of the runway or operating surface before commencing operations. Public footpaths should be clearly marked with warning signs advising of flying operations."*
- 8.36. Officers consider that realistically there are few planning mechanisms available to further mitigate the potential for conflict between users of the rights of way and users of the airstrip. It is true that flying in one form or another has taken place for 7 years with only limited anecdotal concerns being raised by bridleway users. It is also true that flying could continue to take place for 28 days per year. In this context, the same judgement made in the assessment of principle above needs to be made as to the appropriate number of days to allow the use to take place. For the reasons given above, Officers have recommended 84 days as a compromise between the applicant's aspirations and material concerns that have been raised but, again, Members are entitled to adjust this upwards or downwards with reference to the relevant issues. Clearly, unrestricted use of the airstrip is likely to be more harmful to the safety of users of the rights of way than just 28 days a year. However, there is no policy, guidance or other evidence that indicates specifically at what point in between the frequency of use would become unacceptable. 84 days has therefore been derived as subjective compromise between the various considerations.

- 8.37. A condition is also included in the recommendation to ensure signage is in place on all nearby rights of way to account for the potential increase in aircraft movements from the site in the event permission is granted.

Conclusion

- 8.38. It is considered that the proposed development would have an acceptable impact on highway safety, subject to conditions restricting the frequency of its use and the ability for aircraft to be stored at the site, as well as details of further signage being provided.

Visual impact

Policy context

- 8.39. Policy SS2 of LPP2 requires development to use a design-led approach to demonstrate compatibility and integration with its surroundings and distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details.
- 8.40. Policy HNPD8 of the HNPD requires development to conserve or enhance the local landscape by way of eight separate criteria. These relate to enhancing landscape features, retaining natural features, native planting, preserving views, creating new views, high-quality design, minimising encroachment, and improving access.

Assessment

- 8.41. The application site is located in relatively isolated exposed open countryside. It is also visible from several nearby rights of way. However, the actual built form associated with the development is limited and is perceived in context with the nearby farm buildings that are larger and more visually dominant than the mobile home, storage barn, and windsock associated with the proposed development. The runway itself, comprising just mown grass is also not overtly apparent within the wider landscape. The proposed development does not affect any of the views identified on the Policies Map of the HNPD and protected by virtue of Policy HNPD8 and certainly not beyond the effects of the existing farm buildings.
- 8.42. Subject to conditions that restrict lighting on the site as well as open air storage and hard surfacing, it is considered that the proposed development would have an acceptable visual impact on the immediate area. The flying of aircraft is not considered to have a visual impact in its own right as it is relatively common to see microlights or similar across the skyline, which are passing objects rather than permanent features.

Conclusion

- 8.43. The proposed development is considered to have an acceptable visual impact and complies with the relevant policies outlined above.

Ecology

Legislative context

- 8.44. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.

- 8.45. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - b. That there is no satisfactory alternative.
 - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.46. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.47. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.48. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.49. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.

8.50. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

8.51. The application is not supported by a protected species survey although the site itself is simply an arable field with no discernible habitat value. Furthermore, flying may take place from the site for up to 28 days per year and there is no restriction in planning terms for any light aircraft to fly around the area; it is only the land and take-off facility at New Farm that requires planning permission. Therefore it is not considered that the proposed development has any impact on protected species that would justify withholding permission.

Conclusion

8.52. Based on the Natural England advice outlined above and the circumstances of the site, it is not considered that the proposed development would have any impact on protected species.

9. FINANCIAL CONSIDERATIONS

9.1. CIL is not relevant to the application as no retail or residential development is proposed.

10. PLANNING BALANCE AND CONCLUSION

10.1. Matters weighing in favour of the proposed development may be summarised as:

- The proposed use may take place for up to 28 days per year (56 days in 2021 due to measures associated with the pandemic) regardless of whether or not planning permission is granted. This is given significant weight as it establishes the principle of development on the site;
- The proposed development does not have to be regarded on a permanent unrestricted basis. It may be effectively controlled by planning conditions controlling the nature and frequency of its use. This is given significant weight as the main means of mitigating the harmful matters outlined below;
- The site has been in use for aviation in some form since 2015. This is given moderate weight as insufficient information has been provided to ascertain how the use has intensified over time or may intensify further in the future;
- The Civil Aviation Authority and Government's General Aviation Strategy support the retention of small unlicensed aerodromes to offer appropriate facilities for the aviation community. This is given moderate weight as paragraph 106 of the NPPF requires only that the General Aviation Strategy is 'taken into account', whereas

paragraph 12 states the development plan remains the starting point for decisionmaking;

- The proposed use could theoretically support the local public house in Piddington through increased patronage from incoming pilots. This is given limited weight due to being an indirect benefit of just one facility and also running counter to sustainable development principles regarding transport modes;

10.2. Matters weighing against the proposed development may be summarised as:

- The application is not supported by a noise survey that indicates the likely level of audible disturbance to nearby residents and countryside users. This is given significant weight as the Council has received significant objections to existing noise from the site and without objective information the likelihood of disturbance cannot be properly assessed;
- Many of the mitigation measures identified by the applicant and in 'best practice' guidance to minimise conflict with users of nearby rights of way are unlikely to be enforceable in planning terms. The Local Planning Authority would have difficulty enforcing the height and direction of activities in the air as opposed to on land. This is given significant weight as there are only limited other means of controlling the development in planning terms (i.e. the conditions referred to in the second bullet point of paragraph 10.1);
- An unrestricted use is not considered to be an appropriate scale of development when considered against relevant policies regarding the visitor economy. This is given limited weight due to the fact the proposed development is not explicitly intended to serve the visitor economy, as well as the fact that conditions are being recommended to mitigate this very matter.

10.3. In conclusion, Officers consider that the planning balance lies in favour of granting permission subject to a strict set of conditions to mitigate those matters identified above that weigh against the proposed development. Subject to these conditions, it is considered those matters weighing in favour outweigh those weighing against. In particular, the number of days use of the proposed development has been given extensive consideration during the assessment sections of the report and is a key component of how the application should be determined. Officers have derived at a restriction of 84 days of flying activity at the site; Members may adjust this upwards or downwards should they consider that alternative weight be given to the matters in favour and against outlined above.

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

Approved plans

1. 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 (drawing ref: 1052-04A), received 1st March 2022

Proposed Site Plan (drawing ref: 1052-01), received 24th January 2022

Storage Barn Plans & Elevations (drawing ref: 1052-06), received 26th April 2022

Mobile Home/Welfare Facility Plans & Elevations (drawing ref: 1052-05), received 26th April 2022

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

Signage

2. Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority of the type and location of signage in place to warn users of rights of way about aviation from the site. Signage shall be installed on byway KM56, footpath KM37, and bridleways KM18 and KM40 within 3 months of the date of this permission and retained in accordance with the details so approved at all times.

Reason : In the interests of the safety and amenity of nearby rights of way users in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Hangarage

3. No aircraft shall be stored or hangared at the site other than those belonging to the applicant, Mr Chambers, or his relatives and dependents.

Reason : To minimise vehicular movements to and from the site in the interests of highway safety in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Open air storage

4. The runway hereby granted permission shall remain unsurfaced at all times and no aircraft or aviation paraphernalia shall be permanently sited in the open at the site other than the existing windsock.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HN8 of the Hackleton Neighbourhood Development Plan.

Lighting

5. No external lights/floodlights shall be erected on the land (or buildings) without the prior express planning permission of the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework and Policy HNPD8 of the Hackleton Neighbourhood Development Plan.

Days and hours of use

6. Notwithstanding the provisions of Class B of Part 4 Schedule 2 of the General Permitted Development Order (England) 2015 (or any other Order or Statutory Instrument replacing or amending that Order), the use of the site and other land within the applicant's control (as defined by the blue line on the approved location plan) for the landing and taking-off of any aircraft shall be restricted to 84 days per calendar year, other than in the event of an emergency.

Reason : In order to safeguard the amenities of the area and the safety of rights of way users in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan, and to ensure the development remains a scale appropriate to its location in accordance with Policies E7 and R2 of the West Northamptonshire Joint Core Strategy.

7. The site and other land within the applicant's control (as defined by the blue line on the approved location plan) shall not be used for the taking-off and landing of aircraft outside of the following hours (other than in the event of an emergency):

Monday to Saturday: 8am to 6pm

Sundays and public holidays: 9am to 5pm

Reason : To protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan.

Type of aircraft

8. Other than in the event of an emergency, the site and other land within the applicant's control (as defined by the blue line on the approved location plan) shall be used only for the taking-off and landing of microlights (as defined by the Civil Aviation Authority). No paramotors, helicopters, or other fixed-wing aircraft shall take-off or land at the site or other land within the applicant's control unless otherwise agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt, to clarify the permission, and protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan.

Mobile home

9. The mobile home hereby granted permission shall be used only in association with aviation activities on the site and shall not be used, sold, let or sub-let as an independent dwelling or as holiday accommodation.

Reason : To minimise vehicular movements to/from the site in the interests of highway safety and to comply with Policy SS2 of the South Northamptonshire Local Plan.

Restoration

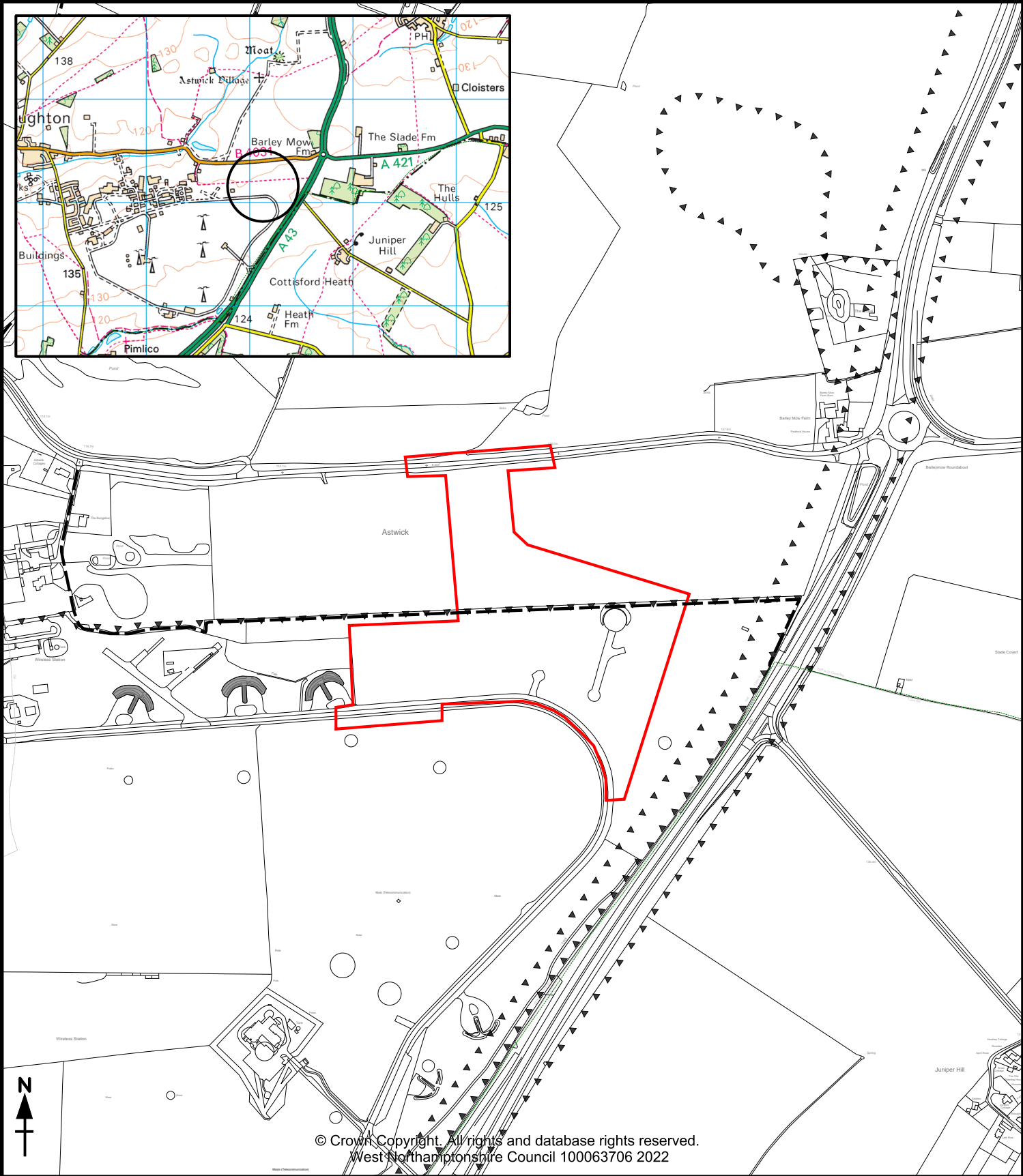
10. All aviation paraphernalia and the structures hereby granted permission shall be removed from the land and the site restored to its original agricultural condition should the use of the site for aviation cease for longer than 12 months.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HN8 of the Hackleton Neighbourhood Development Plan.

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Application Number: WNS/2021/1564/MAF

Parish: Evenley CP



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West Northamptonshire Council 100063706 2022

Town/Village: Evenley

Site

Site Area: 11.0865 Ha

--- Public Right of Way

Grid Location: SP 57141 33151

▼▼▼▲▲▲ Site of Archaeological Asset

Map Scale: 1:7500

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Application Number: WNS/2021/1564/MAF

Parish: Evenley CP



Map Scale: 1:7500

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/1564/MAF

Location: Royal Air Force Croughton, Croughton Road, Croughton, NN13 5NQ

Proposal: Creation of a new base main gate, including formation of new access on to the B4031 and the erection of associated buildings including visitor centre, guard house and large vehicle inspection area.

Applicant: Defence Infrastructure Organisation

Agent: Mott Macdonald

Case Officer: Tom Ansell

Ward: Middleton Cheney

Reason for Referral: Major development

Committee Date: 12/05/2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks permission to relocate the existing 'Main Gate' entrance into RAF Croughton from its present location around 2km west of the B4031 roundabout with the A43, to a new location around 650m west of this roundabout, which is also known as the 'Barley Mow' roundabout.

The formation of the new entrance onto the B4031, along with the creation of a traffic-light controlled junction with filter lanes, will be accompanied by a relocation and 'upgrading' of facilities available to both visitors and the base, including a dedicated visitor's centre, a large building for inspecting HGVs, guard houses with large canopy and I.D checkpoint kiosks.

There will be various internal roadways that link all of the above together, entering the base to the south-west of the junction, immediately opposite an overwatch tower and adjacent to Grade II listed fighter pens.

Consultations:

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

- No outright objections, although Conservation has noted the proximity of the access road within the base to the Grade II listed fighter pens and has advised that this proximity affects the setting of the asset.

The following consultees have **offered no comments** or have raised **no objections**

[subject to conditions or unconditionally] to the application:

- Environment Agency, Environmental Protection [subject to conditions], Historic England, Planning Archaeology [subject to conditions], Ramblers Association, Evenley Parish Council [subject to queries being addressed], Local Highway Authority [subject to conditions], Highways England, Planning Policy, Ministry of Defence

6 letters of objection have been received (from four properties, all in neighbouring Astwick).

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:

- The scope of permitted development
- The principle of development
- The visual impact of the development
- The impact on highway safety
- The impact of the development on the Grade II listed fighter pens
- The impact on archaeological remains/assets
- The impact on residential amenities
- The impact on protected species

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 1.1ha area of land located between a perimeter track road within the RAF Croughton base (known as Glenn Road) and the B4031, which heads west from the Barley Mow (A43) roundabout towards Croughton and then Aynho.

1.2 The site is entirely in open countryside. Part of the site is on land owned by the Local Highway Authority (LHA), this being the strip between the northernmost perimeter fence and the west-bound carriageway of the B4031. The rest of the land, and the land containing most of the development inasmuch as built form and engineering operations, is within the base's curtilage, albeit on green paddock/pastureland which is not presently built upon.

- 1.3 The land slopes upwards to the south, heading away from the B4031, and as above it is presently a grassy field with sporadic trees. A hedgerow runs directly alongside the road. A perimeter fence delineates the boundary between the base and the land adjacent to the highway; a public right of way (PROW) also runs east/west along this boundary.
- 1.4 The application site is around 650m west of the Barley Mow Roundabout, and 1.5km east of the existing base's entrance. Croughton is a further kilometre or so to the west of that. Opposite is undulating fields and agricultural pastures, containing very sporadic dwellings and complexes of agricultural buildings.
- 1.5 The small hamlet/collection of buildings known as Astwick is around 450m north-west of the site's boundary and lies immediately north of the base's boundary and buildings/facilities within. Astwick is accessed to the south of the B4031, and constitutes a number of attractive (disassociated) traditional stone dwellings/buildings.

2. CONSTRAINTS

- 2.1. The application site is within open countryside, and two archaeological asset sites. There are a number of Local Wildlife Sites within 2km, and the part of the site within the base's perimeter is a Potential Wildlife Site. Grade II listed fighter pens are also located around 30m west of where the internal access road will join onto Glenn Road.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development seeks permission to relocate the existing base's vehicular entrance entirely to this new location, including a traffic-signal controlled junction with the B4031, internal access roads, a visitor centre with associated car park, a Lorry Visual Inspection Area (LVIA), a guardhouse/room and canopy building, kiosks, and an overwatch providing security.
- 3.2. The agent advises that a number of elements on the plans are considered (by them) to be permitted development. This will be considered in more detail in the first part of the report below.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
WNS/2021/1346/FUL	Storage facility for clothing and footwear	Approve 25 th October 2021
WNS/2021/0721/SCR	Screening opinion for proposed Main Gate development	Environmental Impact Assessment not required 23 rd July 2021
S/2020/1029/FUL	Construction of two radomes, antennas and associated security system components including lighting	Approve 18 th November 2021

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
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- R2 – Rural Economy

Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings
- NE5 – Biodiversity Geodiversity

Material Considerations

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

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

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
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Environment Agency		No comments to make on application. <i>Officer note; the scheme is 'Major' development and proposing non-mains foul drainage. A condition will be used to require further details of drainage, whereupon further consultation with the Environment Agency can take place on that specific issue.</i>
Lead Local Flood Authority		No comments received at time of writing – Officers have chased up LLFA

		on 12 th April and 22 nd April, and will chase up again on approach to committee.
Historic England		Do not wish to offer any comments.
Planning Archaeology		<i>'The proposed development will have a detrimental effect upon the Second World War features present and on any surviving subsurface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure this please attach a suitable condition for a programme of archaeological work as recommended above and in line with NPPF paragraph 205 to any permission granted in respect of this application.'</i>
Ramblers Association		No objections ; observes that the diverted footpath seems to take the shortest way around the new proposed works and minimises the amount of diversion required.

<p>Evenley Parish Council</p>		<p>No objection but some comments:</p> <ul style="list-style-type: none"> • It is regrettable that it has not proved possible to expand the existing entrances off the B4031 or A43. • A specialist evaluation of the lighting is requested to ensure it minimises the impact on Astwick and Barley Mow Farm and associated dwellings <i>[Officer note; this has since been undertaken]</i>. • Noted that the buildings appear to be elevated above the B4031, and are concerned about the impact of this on neighbouring properties. • Request 'investigation' of traffic lights at Barley Mow roundabout and risk of traffic back-up from new junction. <i>[Officer note; there is no mechanism available to Officers to require or stipulate the use of traffic lights at Barley Mow roundabout as a result of this application being approved]</i>. • Request a programme to replacement ecological habitats lost as a result of the development. • Request clarification on footpath diversion proposals and the installation of new 'interpretation' panel providing history of the base since WW2 and history of Astwick Deserted Medieval Village <i>[Officer note; there is no obligation for the base to provide additional signage/heritage</i>
		<p><i>panels/information etc, and no mechanism available to the Council to stipulate this].</i></p>

Local Highway Authority		<p>Original comments on 20th October raised several significant queries in respect of the submitted Transport Statement. These were subsequently addressed in a revised TS dated 9th February 2022; LHA response to this was:</p> <p><i>'The Transport Statement is accepted as a reasonable document upon which to assess the future operation of the proposed junction improvement at the site, and as such, its conclusions that there will be no adverse impact to the highway operation and its users is acceptable to WNC.'</i></p> <p>Officers are awaiting a response from the LHA to the designer's response to the Stage 1 Road Safety Audit, submitted on 25th April 2022. This response will be made available and also included in written updates if submitted following the publication of this report.</p>
External Funding Partnerships (NNC)		No objection , request condition for provision of fire hydrant due to scale and nature of application.
Highways England		No objections raised.
Conservation		<p><i>'It is proposed to create a new main entrance to the base together with associated buildings including visitor centre, guard area and vehicle inspection area. The main access and buildings are located to the east of the fighter pens and beyond the outer boundary of the former airfield and whilst they will change the setting of the listed structures, that change is not considered to harm the understanding or significance of the structures. The position however where the new road leaves the existing perimeter track (Glenn Road) does lie very close to the apron to one of the fighter pens and clearly lies within what would have been the access point for aircraft to access this fighter pen, to protect the immediate setting of the fighter pen it would be preferred if the new road could be moved slightly further east.'</i></p>
Planning Policy		No comments , other than that the scheme should be determined in accordance with the adopted Development Plan.
Ministry of Defence		No statutory safeguarding objection to proposal.

<p>Designs For Lighting [instructed by LPA in respect of the submitted lighting scheme, in response to Evenley PC's comments]</p>		<p><i>'The calculations have not been conducted using a maintenance factor of 1, as per guidance on undertaking environmental lighting impact assessments. However, based on the calculations provided in "381015009A Lighting Assessment" it is unlikely that the affected residence highlighted in the provided plan "Site Plan – Affected Residents" and the B4031 will experience adverse effects of light pollution as detailed in ILP GN01:21. This is based on our understanding that the area the Application Site is located in is typical of a E2 environmental zone.</i></p> <p><i>Further to the above, there is likely to be some impact on the views from the highlighted residences, however this is likely to be Low (Change which, when compared to background levels, is only just noticeable) as there is existing attenuating foliage between the RAF Croughton Main Gate site and the highlighted dwellings, as such it is reasonable to say this effect would be Negligible or Minor Adverse is the worst-case.'</i></p> <p>In respect of ecology:</p> <p><i>'There are no references to ecological mitigation within the "381015009A Lighting Assessment" and no references to any guidance related to ecology and lighting. To this end, I would like to see details of how the findings of the Mott Macdonald ecology report have been account for within the lighting design, and justification of the selected correlated colour temperature of the luminaires.'</i></p> <p><i>Officer's note: this has been corrected in a subsequently revised preliminary ecological assessment.</i></p>
<p>Ecology Officer</p>		<p>Awaiting comments</p>

7. RESPONSE TO PUBLICITY

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

7.1. There have six comments (from four householders) all objecting or raising concerns in respect of the scheme on the following grounds:

- Ecological impact (loss of trees/hedgerows etc)
- Light pollution and impact on amenity of residential dwellings in Astwick
- Adverse traffic impacts caused by access's proximity to Barley Mow roundabout (i.e. cars backed from access into base to roundabout)
- Base should explore utilising A43 entrance instead

8. APPRAISAL

KEY ISSUES

- The scope of permitted development
- The principle of development
- The visual impact of the development (including effect on listed buildings)
- The impact on highway safety
- The impact on archaeological remains/assets
- The impact on residential amenities
- The impact on protected species

The scope of permitted development

- 8.1. As part of the submission, the agents Mott Macdonald (henceforth referred to as MM) have submitted a planning design and access statement which, amongst other matters, considers the scope of permitted development.
- 8.2. The Government has effectively granted permission for a number of different types of development undertaken by the Crown, in Part 19 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (henceforth referred to as GDPO). Any development falling under the regulations in the GDPO would not technically require planning permission, and as such the Local Planning Authority (LPA) has very limited control over when, where (within the site or base) and how these are implemented.
- 8.3. The letter makes it clear that permission is **not** being sought for these elements, but they are included within the application given that they are intrinsic to the scheme.
- 8.4. For avoidance of doubt, MM provide clarification on the wording of the relevant Classes of development within Part 19 of the regulations, and then consider what elements of the proposal are covered by those regulations.
- 8.5. This will be replicated here as it is considered to be of relevance and significance to this report and how the scheme (as a whole) is appraised.
- 8.6. It is submitted by MM that Class A(a) of Part 19 would allow the following elements of the scheme to be delivered without permission:
 - The Gate house (within the Guardhouse)
 - The ID booths (x2 – within the Guardhouse)
 - The new guard Overwatch
 - The new cycle store
 - The new bin store
 - Any works required to provide drainage in respect of foul and surface water provision
 - Any (small) works required to facilitate the diversion of the PROW
- 8.7. Class A(b) is submitted as permitting the following:
 - External lighting columns (assuming height below 4m)
 - New shelters (i.e. bus shelter)

8.8. Class C(a) is submitted as permitting the following:

- Below ground plant/works required for treatment of sewage

8.9. Class C(b) is submitted as permitting the following:

- Connections and services associated with the proposed development

8.10. Class C(c) is submitted as permitting the following:

- New private carriageways into the base (approximately 1400m in length)
- New parking areas within the base, including bus laybys (approximately 2250sqm)
- Laybys, access controls, barriers, gates, footpaths, drainage and other miscellaneous development associated with provision of the new access

8.11. Class R is submitted as permitting the following:

- Proposed security fencing (approximately 2.1m in height)
- Proposed gates (below 2.4m in height)

8.12. Finally, Part 4 of Class A of the GDPO is submitted as permitting...

'The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or land adjoining that land.'

8.13. Officers have considered this and see no immediate reason to doubt the validity of what is being claimed. The permitted development rights available to the Crown are quite extensive and 'generous' insomuch as the scope of buildings, hardstanding, fences and ancillary structures. Having said that, there appears to be no specific rights that permit substantial engineering operations (i.e. the removal of soil, the reprofiling of land, changing levels/topography in any significant way).

8.14. Given the site slopes up from the B4031, it is difficult to see how some of the buildings that fall under Class A(a) of Part 19 of the GDPO could be built without levelling off a significant amount of the existing landscape. However, Officers have no evidence to submit that shows that it is impossible to do this, and it is noted that part of Class A(a) provides for '*similar structures or works [emphasis added] required in connection with the operational purposes of the Crown*'. Arguably, this could be regarded as covering any engineering operations that are commensurate to the installation of the respective building or structure.

8.15. While neither MM nor the applicant has sought to confirm any of the above through a Lawful Development Certificate, Officers are satisfied that there are a substantial number of elements that could be implemented (in some form) utilising permitted development rights.

8.16. It is clear that there is no viable or 'reasonably certain' fallback position that the applicant will rely on in the event the application fails; the main element of the scheme, the junction, does require permission.

- 8.17. However, establishing this before the main appraisal is nonetheless important. The scope of what can be done without permission and within the parts of the site within the applicant's ownership and control must form a material consideration when considering the harm that the entire scheme might cause (in terms of visual amenity, flood risk, ecology/protected species etc). This is because permitted development rights effectively establish a significant 'baseline' of works that the Council has no means or mechanisms to prevent taking place. The subsequent impact of those works is also, therefore, unpreventable.
- 8.18. Having considered the list of works provided by MM in the covering letter, and due being (for the most part) in broad agreement with what is being submitted, Officers are of the view that there are **three** main elements to the scheme which justify the most scrutiny and detailed appraisal. These elements all require the benefit of planning permission:
- The formation, laying out, construction and finish of the junction between the base and the B4031 (a classified road).
 - The siting, design and finish of the 23m x 15m (footprint) x 7.4m (high) Large Vehicle Inspection System (LVIS) building on the eastern edge of the site, to the south-east of the proposed visitor car park.
 - The siting, design and finish of the 11m x 16m (footprint approx.) x 5.6m (high) mono-pitched visitor's centre located centrally within the parking/vehicular management complex, to the west of the LVIS
- 8.19. Furthermore, all works beyond the base's curtilage, within the ownership/control of the LHA, require permission as the base does not benefit from permitted development rights on land not in its ownership. This mainly constitutes the traffic-signal controlled junction itself and the four-laned private carriageway heading into and out of the base respectively (along with any forms of boundary treatment used to delineate/control these carriageways).
- 8.20. All other elements listed by MM as being permitted development will also be afforded significance and assessed together with the above. However, the weight afforded to the contribution of these elements towards any visual harm will be low, given the Council's inability to prevent or control them.

The principle of development

Policy

- 8.21. Policy SS1 of the LPP2 establishes the site's open countryside designation, given that it is outside of the recognised settlement confines of any nearby village or town.
- 8.22. Beyond this, however, the LPP2 is silent on this type of development; that is, works required to facilitate the needs of a Crown-controlled base of operations. It is noted that policy EMP2 of the LPP2, which is more focussed on existing employment and commercial sites, does support the expansion/intensification of a premises within its own curtilage, should it be located in open countryside.
- 8.23. The National Planning Policy Framework requires Councils to determine applications in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as a starting point for decision making, but it does constitute guidance for LPAs and decision-takers in determining applications.

8.24. Paragraph 97 of the NPPF requires policies and decisions to *'promote public safety'* and take into account wider security and defence requirement by taking *'appropriate and proportionate steps'* that *'reduce vulnerability, increase resilience and ensure public safety and security'* (97(a)). Paragraph 97(b) goes on to advise that development should be supported where it is *'required for operational defence and security purposes'*.

Assessment

8.25. In this instance, considerable weight is afforded to material considerations. The main consideration is, specifically, the established and nationally important use of the site by the Crown, and the fact it is, effectively, a self-contained planning unit with a clearly defined boundary.

8.26. RAF Croughton is a 280ha site that contains a mixture of buildings and uses that all contribute to the running of the military base. These include administrative, community commercial, community services, housing, industrial, outdoor recreation and open space land use classifications. The above uses have been established over a number of years.

8.27. The extensive scheme before the Council today is not recognised as an 'exceptional' development in the open countryside in terms of policy (either LPP1 or LPP2). It is also appreciated that, by necessity, the scheme involves 'encroachment' beyond the existing curtilage of the established 'confines' of the base, albeit into a limited parcel of open countryside between the base and the B4031.

8.28. However, it is reasonable to argue that the site's entrance complex is absolutely fundamental to the base's ability to welcome and facilitate visitors, perform critical checks on identification, vehicles and belongings, await security/escorts for visitors attending from outside organisations and ensure the day-to-day management (and safety) of those working and living on the base. Given the base's status and degree of national importance, ensuring adequate levels of security are achieved at all times is understandably a priority.

8.29. The scheme before the Council represents a substantial amount of development taking place in a visually prominent location. While a lot of this might be permitted development (as established earlier in the report), some fundamental elements, including the access itself along with main visitor and security buildings (the LVIS) will result in a significant alteration to the appearance of the landscape and road in this part of the district, otherwise characterised by its pleasant, green rural character.

8.30. The base already has an established entrance off the B4031, around 1km further west of where the new entrance is proposed. This entrance contains parking areas for visitors, a guard's hut, a covered area for inspecting vehicles/lorries and a checkpoint that outside visitors must pass through before continuing into the base.

8.31. Given the open countryside location of the site, and the amount of work being proposed, Officers have considered the justification for this relocation as provided by MM. MM advise that the objective of the scheme is to *'improve traffic movement into and out of the base, improve existing security features of the base and to potentially facilitate the future expansion of the base mission'*.

8.32. Expanding on this further, Section 2.5 of the Planning Design and Access Statement (PDAS) submits the following:

- The current access to the base is not compliant with current United States Visiting Forces (USVF) standards.
 - It has no traffic speed reduction capability and no queuing capacity due to being only 50m from the public highway (risk of congestion on public highway).
 - It has no means of dealing with suspicious vehicles without resulting in the closure of the public road, preventing local traffic travelling to either Croughton or the A43.
 - The current gate has no way of inspecting large vehicles, resulting in one of only two lanes being closed while security inspects an HGV.
 - There is no visitor control/processing centre, creating a distraction for guards when visitors require processing at the guardhouse.
- 8.33. In Section 8.1, the PDAS submits that the new scheme will comprise of an improvement to the existing facilities and will be compliant with USVF standards, and will reduce traffic congestion of the public highway.
- 8.34. Having visited the base on a number of occasions, Officers can confirm that the existing base suffers from congestion and manoeuvring difficulties when a large vehicle is being inspected in one of the lanes. It is also clear that, in the event a number of visitors turn up at once, the limited parking area and inability to queue would likely result in vehicles stopping and waiting on the B4031. It is also clearly undesirable for the entirety of the public highway to be closed in the event a suspicious vehicle requires attention; this matter should be resolvable entirely within the curtilage and facilities of the base.
- 8.35. The new scheme takes clear steps to address the shortcomings of the existing access.
- The private carriageway from the B4031 is much longer, and there are now dedicated areas for larger vehicles (including a Large Vehicle Inspection System, or LVIS).
 - Cars have a separate car park to use, with ample spaces such that the risk of cars queuing back to the road is substantially reduced.
 - A central, dedicated visitor's centre will allow processing of visitors to take place separately, by personnel different to those stationed at the guardhouse/I.D checkpoint to the west.
 - The POV search area and I.D checkpoint area now has three dedicated lanes instead of two, with one of these solely set aside for larger vehicles. There is an 'Overspeed detector loop' to provide traffic speed reduction capabilities for vehicles approaching the checkpoint, and 'Wrong way' detection loops for vehicles exiting the base too.
 - The new junction will be traffic-signal controlled, with left-only and right-only filter lanes for vehicles wishing to enter the base from the east and west respectively. Vehicles exiting the base will be required to use either a left or right-turn filter lane respectively, too.
 - Vehicles will also be provided with space before the first set of gates to perform a safe U-turn if they have erroneously turned into the base from the B4031.

Conclusion

- 8.36. Officers have no reason to dispute the claims made by MM in the PDAS statement that the existing access does not meet USVF standards. Having visited the base in person, the claims made about the shortcomings of the existing access are felt to be truthful and self-evident in many cases.
- 8.37. The scheme before the Council is considered to demonstrably address these shortcomings. The scheme is attempting to improve upon the existing situation to not just the benefit of the applicant (in terms of safeguarding those working and living on the base, reducing vulnerability and increasing resilience) but to the longer-term benefit of highway users as well. On this latter point, there are no outstanding objections or concerns from either the Local Highway Authority or Highways England (the authority covering the A43 and Barley Mow roundabout to the east).
- 8.38. Consequently, Officers afford considerable weight to the benefits of delivering a scheme that significantly improves upon the base's existing entrance, such as that shown on the submitted drawings. However, it is crucial that the scheme also avoids causing substantial harm in other respects, particularly in respect of visual amenity. The impact of the scheme on other matters will be considered in subsequent sections below.

The visual impact of the development (including on listed buildings)

Legislation and policy context

- 8.39. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.40. Policy SS2 of the LPP2 requires new development to, amongst other things, avoid the *'unacceptable loss of undeveloped land, open spaces and locally important views of particular significance'* (SS2(1.a.)). This policy goes on to advise that developments should use a *'design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details'* (SS2(1.b.)).
- 8.41. SS2(1.d.) requires new development to incorporate sensitive and suitable landscape treatments and SS2(1.e.) requires lighting schemes to be sensitive and respect the surrounding area and *'reduce harmful impacts on wildlife and neighbours'*.
- 8.42. Policy SS2(2.) advises applicants that any schemes that contravene any of the criteria set out in SS2(1.) that are of relevance to the proposed development will be refused *'unless outweighed by other material considerations'*.
- 8.43. Policy S10(a) of the LPP1 requires new development to *'achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place'*.

Assessment – loss of countryside/green space

- 8.44. RAF Croughton is a self-contained planning unit containing a wide variety of buildings, of various sizes, designs and finishes each of which perform differing functions. The design and appearance of most buildings within the base are biased towards practicality and functionality than recognising local vernacular. The built form is concentrated mainly on the north-western side of the base's complex, with a 'buffer' of agricultural land sited between most of the buildings and the B4031 in this location.
- 8.45. That being said, views towards the base from the public realm, and particularly at the site's entrance, are mainly of low-lying brick-built admin/office buildings and slightly larger storage/functional buildings clad in metal. Due to the dark green perimeter fence surrounding the site, it is relatively easy to identify these buildings as serving the base rather than forming an isolated group of dwellings and/or farm yard.
- 8.46. To the south of the main complex are large fields of open grassland, featuring (in places) radomes and other pieces of equipment vital to the base's function (in communications). These are dotted sporadically around the site and can be glimpsed from the A43 to the east. Being of a very distinctive 'golf ball' shape and quite large, these specialist buildings (along with the ancillary equipment around them) are quite eye-catching and make identifying the base very easy.
- 8.47. To the east of the main complex, built form peters out a bit. In this location, there are the three Grade II listed fighter pens, and immediately to the north of the site's boundary is a PROW which affords a relatively good view of these (albeit at a slightly lower level). The fighter pens are quite distinctive to the base, similar to the radomes and other general admin buildings, and again are only visible behind a green perimeter fence.
- 8.48. The site identified for the new entrance is currently undeveloped, as is the grassy paddock/field between the base's curtilage and the B4031. Its development for the purposes of providing an entrance complex will result in the loss of the present green landscape in this location, and will actually result in its effective 'urbanisation' with hard landscaping, lighting, fences (i.e. subdivisions) and buildings of both contemporary design (the visitor's centre) and purely functional design (the LVIS) all encroaching into this landscape.
- 8.49. The submitted landscape technical note concludes in its assessment of the 'RAF Croughton Local Character Area' that the base has a '*low scenic value*' and, due to its ongoing function as a communications facility for the US Air Force, it has a low susceptibility to change. The technical note goes on to submit that the scenic quality of the surrounding '*agricultural fringe*' is of a medium value, mainly due to the views attainable over the undulating landscape with minimal interruption from road and rail infrastructure. There is also a '*high tranquillity*' that is partly compromised by proximity to the A43.
- 8.50. The landscape technical note concludes thusly:

'Once the entrance gateway buildings and infrastructure have been completed, their presence will introduce built elements into an area of predominantly green open space. It is likely that this change will have a minor adverse effect on the landscape character of both the RAF Croughton base and the surrounding countryside. Further afield, the existing radomes are a noticeable presence in the surrounding countryside landscape character and provide some visual

interest. It is not anticipated that the new buildings and entrance infrastructure will result in a significant magnitude of change from the existing situation.

The majority of sensitive receptors around the application site enjoy views of medium value that are affected by the presence of the A43 to varying degrees. The introduction of construction plant, materials and lighting will be temporary and be seen in the context of the military infrastructure and the busy A43. During operation, the new buildings and road infrastructure will be seen in the context of the existing RAF Croughton buildings and viewed as an extension of the existing built form in an easterly direction. Views from the footpath that crosses the Scheme site will see a change from open grassland to views of the new entrance buildings.'

- 8.51. Having visited the site and walked along the PROW to the immediate north of the base's perimeter, Officers consider the impact will be 'minor adverse' in respect of the impact on the base's landscape character and closer to 'moderate adverse' in respect of its impact on the surrounding countryside, simply due to the scope and magnitude of development being proposed, and amount of green landscape being lost.
- 8.52. Having said that, Officers do agree that the development will ultimately be viewed against the backdrop of the existing base's 'vernacular', insomuch that built form associated with the base is on its northern side and tends to be of a design, scale and appearance comparable to what is being proposed in this location. The continued use of security fencing and signage will allow the new built form to be easily visually associated with the base; it will not appear as a completely incongruous and disassociated intrusion into the open countryside.
- 8.53. As such, it is reasonable to conclude that the overall magnitude of change, when considering the scheme against the wider backdrop of the base rather than as an observer standing immediately in the field or on the PROW to the front, is going to be less severe and impactful.
- 8.54. Consequently, the use of this parcel of land, in terms of its relationship with the wider complex and open countryside, is considered to be acceptable.

Assessment – engineering operations and built form

- 8.55. Officers again stress that a considerable amount of work shown on the submitted drawings is likely to be permitted development. In particular, to take a pertinent example, the comments of the Conservation Officer are noted in relation to the proximity of the private carriageway to the Grade II listed fighter pens. However, the applicant could install new private carriageways (and other development such as fences/lighting) in this location without requiring permission.
- 8.56. A low level of less-than-substantial harm is caused to the setting and significance of the fighter pens by virtue of the carriageway's proximity. However, while not ideal, the harm is likely unavoidable should the applicant choose to exercise permitted development rights and change the internal road layout (in the event permission were refused).
- 8.57. Notwithstanding this, a lot of the hard surfaces, fences and other lower scale building works which are otherwise unsympathetic to the appearance and character of the area do not require permission.

8.58. The three elements that do require permission and are perhaps the most significant, are the junction with the B4031, the LVIS building and the visitor centre. To take each in turn...

Junction

8.59. The rural road known as the B4031 will be widened and re-engineered to provide a traffic signal controlled junction. The changes to the road and introduction of traffic lights, which are typically found in more urban areas, will result in a degree of visual harm, particularly when all relevant signage and other street furniture is considered too.

8.60. However, the new junction will also deliver substantial benefits by being much safer to use. By utilising filter lanes and arrows on the road surface, as well as traffic islands which solidly divide the two carriageways heading east and west, it is now much more straightforward to use for those entering and exiting the base (particularly visitors who may not have driven on roads in this country before).

8.61. The final design and layout of the junction will be determined at a later stage, in discussions between the applicant and LHA. All details will be secured via planning conditions. Officers are comfortable that the degree of urbanisation caused by the increase in width of the carriageway and introduction of traffic lights is outweighed by the benefits this new road layout will deliver in terms of improvements to highway safety.

Large Vehicle Inspection System [LVIS]

8.62. This building will likely be one of the most prominent and, arguably, incongruous buildings within the complex once completed. This is mainly due to its siting some distance from the road but in an elevated position, and its overall scale, which is dictated strongly by its intended function (to allow for the thorough inspection and processing of large vehicles entering the site).

8.63. The building will have an overall height of 7.1m, and a height at the eaves of around 5.5m. Its width of over 15m creates a somewhat squat-looking building, with two large roller shutter doors in both front and rear gables. The building's side profile will feature vertical metal cladding and high level windows, which are to provide light to the gantry within the centre of the building (necessary to allow guards to inspect the roofs of lorries easily).

8.64. A brick lean-to office is shown on the side elevation (north-east). This is where paperwork and admin for each large vehicle is undertaken. The floor plan of the main building shows how there needs to be space for two 18.75m lorries with drawbar trailers (the largest common vehicle on UK roads), with room around them for manoeuvring of personnel as they check the vehicle.

8.65. From a distance, with the exception of the brick lean-to, the building has a vaguely agricultural appearance to it. Furthermore, other functional warehouse/storage buildings within the base are clad in green metal. This softens the visual harm it causes modestly, but nonetheless, the building arguably sits in a prominent location and will be a noticeable feature within the complex from most vantage points.

8.66. However, Officers again afford positive weight to the benefits that providing the base with a facility like this will deliver. Separation large lorries from smaller vehicles will make the processing of all traffic through the base more efficient. The current arrangement makes it very difficult to adequately check the roofs of large vehicles. The layout suggests that

once a lorry leaves the LVIS it will either have been 'approved' and will simply proceed to enter the base, or it will have been 'rejected' and will leave using a specified lane and route out. There is presently no easy way to 'reject' a large vehicle without causing to perform a contrived and dangerous manoeuvre involving reversing into the car park where smaller vehicles (and their occupiers) await entry.

- 8.67. As such, Officers consider that these benefits comfortably outweigh the visual harm that such a building will cause to the landscape in this location.

Visitor centre

- 8.68. This building is a more modest, brick-built structure of a contemporary appearance, with a lean-to roof. It will sit to the west of the LVIS but will not compete with it due to its lower roof level (at its highest point it is around 5.6m tall).
- 8.69. The building's footprint is also smaller than the LVIS's, as it is simply a dedicated building designed to process incoming visitors. It will contain a lobby/waiting area (50sqm) for visitors and then a back-office complex where administrative tasks are undertaken, and storage too.
- 8.70. At present, visitors are processed by a very small kiosk with no shelter from inclement weather, and which has no welfare facilities for those stationed inside. The facilities proposed here are superior in that regard, and are more interesting architecturally too. There is an opportunity, with the appropriate brick and finishing materials, to deliver something that is of a high quality that sits well in this location.

Conclusion

- 8.71. The development will unavoidably result in a degree of visual harm to the appearance, setting and character of the landscape in this location. The introduction of substantial areas of private carriageway, parking, fencing and both small and large buildings – some of these quite intrusive in terms of scale and unfortunate in design – will all permanently change this part of the site, urbanising it substantially.
- 8.72. There is also some less than substantial harm caused, where that harm is on the lower end of that scale, to the setting of the Grade II listed fighter pens.
- 8.73. However, considering the reasonably high 'base level' of harm established by what is permissible through permitted development rights, and also being mindful of the benefits that the new facilities will deliver in terms of improving efficiency, welfare/conditions for visitors and those working on this part of the base, the ability to carry out full and thorough inspections of incoming vehicles etc, Officers are satisfied that there are sufficient material benefits to warrant taking an exceptional position on this occasion.
- 8.74. As set out in policy SS2(2.), the material considerations on this occasion are felt to outweigh the conflict with policies SS1(1.a. and 1.b.) and allow Officers to support the scheme subject to standard conditions relating to materials, landscaping and other details.

The impact on highway safety

Policy

- 8.75. Policy SS2(1.c.) requires new development to be designed to provide '*accessible, safe and inclusive environment which maximises opportunities to increase personal safety*

and security through preventative or mitigation measures'. SS2(1.j.) requires new development to include 'a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles)'.

8.76. The NPPF's test for highway safety is set out in paragraph 111:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network will be severe.'

Assessment

8.77. To support this application MM submitted a Transport Statement which was, in response to initial comments from the LHA, superseded by a new one that used more up to date and relevant data/information to inform its conclusions.

8.78. The most recent revision to the Transport Statement provided by MM has been reviewed by the LHA and accepted as a '*reasonable document upon which to assess the future operation of the proposed junction improvement at the site*'. The LHA concludes that there will be '*no adverse impact to the highway operation and its users*'.

8.79. There are no objections from Highways England.

8.80. Officers will need to ensure appropriate control is afforded to both the LPA and LHA in respect of designing and laying out the new junction. This is typically done using a Grampian planning condition, requiring the submission of full details showing all works that will be undertaken, including details of construction and technical information pertaining to traffic signal timings etc if considered relevant.

8.81. On the basis of such conditions being used, Officers see no reason to disagree with the conclusion reached by the LHA. It is evident that the scheme of junction improvement before the Council today improves upon the existing situation and reduces the risk of confusion for those exiting the base who are unfamiliar with the country's driving laws.

8.82. Internally, the layout allows for larger vehicles to be processed separately from cars, and provides sufficient space such that there is no risk of queues forming back to the B4031.

8.83. The diverted footpath takes a logical route around the base's new perimeter, allowing for a safe crossing beyond the initial entrance gates.

Conclusion

8.84. Consequently, Officers find that there are no highway safety related reasons to resist or refuse the planning application.

Impact on archaeological remains/assets

8.85. The archaeologist recommends the standard archaeology condition that requires the pre-commencement submission of a Written Scheme of Investigation, the carrying out and submission of the subsequent report detailing any findings from that investigation and the submission of the report to HER.

8.86. Officers have no reason to question this approach given the site's location within a site of archaeological interest. This pre-commencement condition will be imposed.

Impact on residential amenities

- 8.87. The site is 450m west of Barley Mow Farm and its associated dwellings, and 550m east of Astwick and the small group of dwellings located to the south of the B4031. Given these separation distances, there is no risk of any buildings within the site harming the amenities of occupiers of these dwellings.
- 8.88. The lighting scheme proposed for the site, which the applicant intends to deliver entirely under permitted development, and which is accompanied by a technical document, has been reviewed by Designs For Lighting following concerns raised both by neighbours and Evenley Parish Council. Even if the lighting could be provided under permitted development, a lighting scheme that results in harm would be vulnerable to action taken by the Council's Environmental Health team. However, the consultant has concluded that there would be negligible or minor adverse impacts to the neighbours at Astwick and Barley Mow (essentially little to no change to the existing situation).
- 8.89. The scheme could potentially result in an intensification of use and movements that result in elevated noise levels. The site is presently described as 'tranquil' by the PDAS, albeit with some interference from the A43, which means the introduction of vehicles turning in and accelerating out of the site, lorries manoeuvring within the site and the associated noises that come with having personnel stationed permanently in this location (i.e. from welfare facilities) would all have an impact on this tranquil character.
- 8.90. However, the distances to neighbouring properties are such that these noises are unlikely to result in a statutory nuisance. This is a position that appears to be agreed with by the Environmental Protection officer, who noted in respect of noise:

'Whilst no details have been submitted regarding hours of use and additional plant, given the distance from residential properties, I do not believe there are specific noise issues to mitigate. However, if the visitor centre intends to use a commercial kitchen extractor, the following condition is recommended:

Prior to food preparation and cooking being undertaken on site full details of the cooking equipment and odour control system and system to prevent the emissions of noise, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and maintained in accordance with the approved details at all times thereafter.

REASON: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.'

- 8.91. The visitor centre is unlikely to use a commercial kitchen extractor, or even have a commercial kitchen within. The purpose of the visitor centre is to temporarily accommodate those attending the site from elsewhere who need to have identification verified, and/or be escorted into the site. The facilities behind the desk are likely to be for the benefit of those staffing the visitor centre, and not intended to be used to prepare hot food for those waiting within.
- 8.92. Given this, Officers do not consider it reasonable or proportional to impose a condition relating either to the development as a whole (i.e. any food preparation or cooking anywhere within the proposed site) or the visitor centre specifically. The risk of harm to distant neighbours of noise from extraction units is considered to be very low.

8.93. As such, there are no reasons to resist the development in respect of neighbour amenity.

The impact on protected species

Legislative context

8.94. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.

8.95. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:

- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

8.96. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

8.97. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.

8.98. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

- 8.99. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.100. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.101. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is partly within a Potential Wildlife Site and is otherwise within the open countryside, involving the removal of hedgerow/trees and developing a rural landscape.
- 8.102. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.103. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.104. The application is supported by a detailed protected species survey which has been reviewed in detail by the Council's Ecology Officer. They have expressed satisfaction with its contents and mitigation proposed, although have not yet provided comments in writing. Nonetheless, Officers have been advised that they intend to recommended a number of conditions which will be found within the full comments published online.
- 8.105. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions that will be recommended by the Ecology Officer in due course, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded

notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

9. FINANCIAL CONSIDERATIONS

9.1. CIL is not applicable as the development proposes no new residential accommodation nor any retail development.

10. PLANNING BALANCE AND CONCLUSION

10.1. RAF Croughton is a well-established and important facility within the Council's district, providing a vital service to the country. Its existing access from the B4031 is described as being not up to United States Visiting Forces specification for a number of reasons.

10.2. The existing access has insufficient parking and manoeuvring space for both small and larger vehicles, no dedicated areas for inspecting larger vehicles, no visitor's centre or spaces dedicated to processing incoming visitors to the base, no capacity to manage the speed of vehicles, and no space for vehicles to queue.

10.3. The new access and associated works seek to, and successfully, address all of these issues. The new layout allows for the separation of small vehicles from larger ones, provides a dedicated space for inspecting larger vehicles, allows the base to manage the speed of vehicles within the site, and provides a more comfortable facility for managing incoming visitors.

10.4. Importantly, the new junction with the B4031, now 1km closer to the Barley Mow roundabout, is traffic-signal controlled with dedicated filter lanes to ensure those entering and leaving the base are not in any doubt as to which direction they need to travel in, or side of the road they should be on. This junction has been reviewed extensively by the Local Highway Authority, which has declared its satisfaction with the proposals and the accompanying Traffic Statement.

10.5. The scheme before the Council does result in harm. Arguably, the development will result in the total loss and urbanisation of the green space to the north of Glenn Road, to the north-east of Grade II listed fighter pens and a parcel of agricultural land between the base and the B4031. The buildings within the site, and in particular the LVIS, are not particularly sympathetic in scale or design to the agricultural landscape in which it sits. The engineering operations and introduction of artificial lighting will also contribute to the urbanisation of the landscape in this location.

10.6. However, weight must be afforded to the fact that a lot of the development is proposed to be delivered while exercising permitted development rights. The construction of private carriageways, erection of certain smaller buildings, fences, lighting poles and other ancillary works are all potentially covered by Part 19 of the GDPO.

10.7. The construction of the junction, LVIS and visitor centre are the three main elements requiring permission, and these elements alone are not felt to cause substantial enough harm to warrant refusing permission, given the material benefits not just to the base but to the wider public using the B4031 that will be secured through the delivery of the scheme.

10.8. As such, in an exercise of planning balance, while Officers acknowledge that the scheme will result in some harm, some of this harm cannot be prevented as it forms permitted

development. Furthermore, this harm is considered to be proportionate and necessary to achieve the desired outcome of substantially improving the base's security and ability to safeguard those within, and improving matters for highway users who will be less likely affected adversely by the base's day to day operations.

10.9. Consequently, Officers recommend the application for approval subject to conditions as set out below.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation here and full list of conditions and reasons here

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

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 [Drg No. 381015-MMD-00-XX-DR-C-1235 Rev P03] received 16th September 2021
- Main Gate - Planning, General WNS/Planning Applications/Permitted Development Areas [Drg No. 381015-MMD-00-XX-DR-C-1240 Rev P3] received 16th September 2021
- Main Gate - Planning, General Arrangement, PRoW and Diversion [Drg No. 381015MMD-00-XX-DR-C-1241 Rev P2] received 16th September 2021
- Main Gate - B4031 Junction Layout [Drg No. 381015-MMD-00-XX-DR-C-1250 Rev P04] received 8th October 2021
- LVIS - Proposed Ground Floor Plan [Drg No. 381015-MMD-00-GF-DR-A-2100 Rev P7] received 16th September 2021
- LVIS - Proposed Roof Plan [Drg No. 381015-MMD-00-RF-DR-A-2400 Rev P2] received 16th September 2021
- LVIS - Proposed Elevations [Drg No. 381015-MMD-00-XX-DR-A-2200 Rev P7] received 16th September 2021
- Guard House - Proposed Ground Floor Plan [Drg No. 381015-MMD-00-GF-DR-A-3100 Rev P6] received 16th September 2021

- Guard House - Proposed Canopy Elevations, Section and Roof Plan [Drg No. 381015MMD-00-XX-DR-A-3400 Rev P3] received 16th September 2021
- Guard House - Proposed Gatehouse Elevations and Finishes Schedule [Drg No. 381015MMD-00-XX-DR-A-3300 Rev P6] received 16th September 2021
- Guard House – Proposed Gatehouse Area & Roof Plan & Sections [Drg No. 381015MMD-00-XX-DR-A-3200 Rev P6] received 16th September 2021
- ID Booth - Proposed Elevations [Drg No. 381015-MMD-00-XX-DR-A-3500 Rev P2] received 16th September 2021
- Overwatch - Proposed Plans, Elevations and Section [Drg No. 381015-MMD-00-GF-DRA-4100 Rev P7] received 16th September 2021
- Visitor Centre - Proposed Ground Floor Plan [Drg No. 381015-MMD-00-GF-DR-A-1100 Rev P6] received 16th September 2021
- Visitor Centre - Proposed Roof Plan and Area Plan [Drg No. 381015-MMD-00-XX-DR-A1150 Rev P1] received 16th September 2021
- Visitor Centre - Proposed Elevations 1 of 2 [Drg No. 381015-MMD-00-XX-DR-A-1200 Rev P6] received 16th September 2021
- Visitor Centre - Proposed Elevations 2 of 2 [Drg No. 381015-MMD-00-XX-DR-A-1201 Rev P6] received 16th September 2021
- NVC Grassland Survey [Doc Ref: 412155BA01 | 001 | A - FIRST DRAFT] received 16th September 2021
- Arboricultural Report [Doc Ref: 381015-013 | D] and specifically Tree Protection Plans 381015-MMD-00-XX-DR-C-1210 to 381015-MMD-00-XX-DR-C-1212 contained in Appendix C, received 16th September 2021
- Flood Risk Assessment [Doc Ref: 381015 | 001 | D] received 16th September 2021
- Preliminary Ecological Report [Doc Ref: 100381015 | 005 | C] received 16th September 2021
- Preliminary Ecological Report Addendum Rev A received 25th April 2022
- External Lighting Design - Lighting Assessment [Doc Ref: 381015 | 009 | A] received 16th September 2021
- Geotechnical and Geo-environmental Desk Study [Doc Ref: 381015-017 | B] and Appendices A and B, received 16th September 2021
- RAF Croughton Transport Statement Rev C and **all** drawings contained in Appendix D 'Proposed Site Access' Pages 91 - 95, received 18th March 2022
- RAF Croughton Signalised Junction Stage 1 Road Safety Audit Document 287864-TPNITD-697-B received 18th March 2022
- RAF Croughton Stage 1 Road Safety Audit Designer's Response received 25th April 2022

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.

3. PLACEHOLDER ECOLOGY CONDITION – COMPLIANCE WITH REPORT(S)

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

4. PLACEHOLDER ECOLOGY CONDITION – COMMENCE WORK OR DO NEW SURVEY

Land Contamination – Intrusive Investigation

5. A potential risk from contamination has been identified within the Geotechnical and Geo-environmental Desk Study [Doc Ref: 381015-017 | B] and its appendices received 16th September 2021, and as such no part of the development hereby permitted shall take place until:
- a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
 - b) the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
 - c) both a) and b) above has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination – Remediation

6. If contamination is found by undertaking the work carried out under condition 5, then no development hereby permitted shall take place until
- a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
 - b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Archaeology

7. Prior to the commencement of the development the applicant will secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

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

Reason: To ensure that features of archaeological interest are properly examined

and recorded and the results made available, in accordance with NPPF Paragraph 205.

Tree Protection

8. No development shall take place until the existing tree(s) to be retained as listed in Table 3.1 of the Arboricultural Report [Doc Ref: 381015-013 | D] received 16th September 2021 have been protected in accordance with the Tree Protection Plans in Appendix C [see below] and the Tree Protection Measures set out in Appendix D:

- Drawing 381015-MMD-00-XX-DR-C-1210 Rev P2 [Sheet 1 of 3]
- Drawing 381015-MMD-00-XX-DR-C-1211 Rev P3 [Sheet 2 of 3]
- Drawing 381015-MMD-00-XX-DR-C-1212 Rev P3 [Sheet 3 of 3]

...unless, prior to the commencement of any development, the trees are otherwise protected in the following ways listed below, unless a further alternative is first agreed in writing by the Local Planning Authority:

- a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multistemmed trees 10 times the trunk diameter just above the root flare.

- b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
- c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
- d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies SS2 and NE5 of the South Northamptonshire Local Plan 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.

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

Drainage Information [Surface Water & Foul Sewage]

- 9. Before any above ground works commence a scheme for the provision and implementation of surface water drainage **and** foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings 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.

Construction Method Statement

- 10. No development shall take place, other than works that are permitted development as defined by Part 19 of Schedule 2 of the General Permitted Development Order, until a Construction Method Statement has been submitted to, and approved in

writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan 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.

Brick Samples

11. The external walls of all buildings shown as being finished in brick (including the visitor's centre and the lean-to extension on the LVIS building) shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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 Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Roofing Material Samples

12. Samples of all roofing materials (including ridge tiles if applicable) for all buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the 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.

Schedule of materials [metal cladding]

13. A schedule of materials, including samples or photographs of the proposed materials to be used in the external walls of all buildings finished in metal cladding (including the LVIS) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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 Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

Architectural Detailing [Visitor Centre]

14. Notwithstanding the submitted details, further details of the construction and finishes, including sections, of the proposed windows and doors and their surrounds, rainwater goods, eaves and verges of the visitor's centre, to a scale no less than 1:5, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new works are sympathetic to the contemporary character and appearance of the building, and to accord with policy SS2 of the Local Plan Part 2.

Landscaping

15. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:
- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, **to be submitted in conjunction with Conditions 8 and 18**

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 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 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.

Unexpected Contamination

16. In the event that contamination to land and/or water is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No development shall continue until a risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority.
- Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
 - Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.
 - Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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.

Highway Improvement / Junction Details [Grampian Condition]

17. No development shall take place in respect of the new junction until full construction and layout details for the widened carriageways, footpaths, traffic islands and signals and lane markings, signposts and all relevant traffic furniture been provided in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. This submission must show that it has fully addressed the problems highlighted in document 381015-024-A RAF Croughton Stage 1 RSA Designers Response received 25th April 2022. The junction shall then be delivered in accordance with the approved details prior to any of the building(s) within the site, including the LVIS and visitor's centre, being brought into use.

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. 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 OCCUPATION

Land Contamination - Verification

18. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 6. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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.

EV Charging for Visitor's Centre

19. The visitor's centre shall not be brought into use until its parking area has been provided with EV charging infrastructure, with one EV-dedicated parking bay for every 10 parking bays (or part thereof) provided with DC fast charging equipment or equivalent providing for no lesser standard of efficiency.

Reason : 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 TO BE COMPLIED WITH AT ALL TIMES

Maintenance of Landscaping

20. All planting, seeding or turfing shown in the approved landscaping plan shall be carried out in the first planting and seeding seasons following the 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 Policy SS2 of the South Northamptonshire Local Plan.

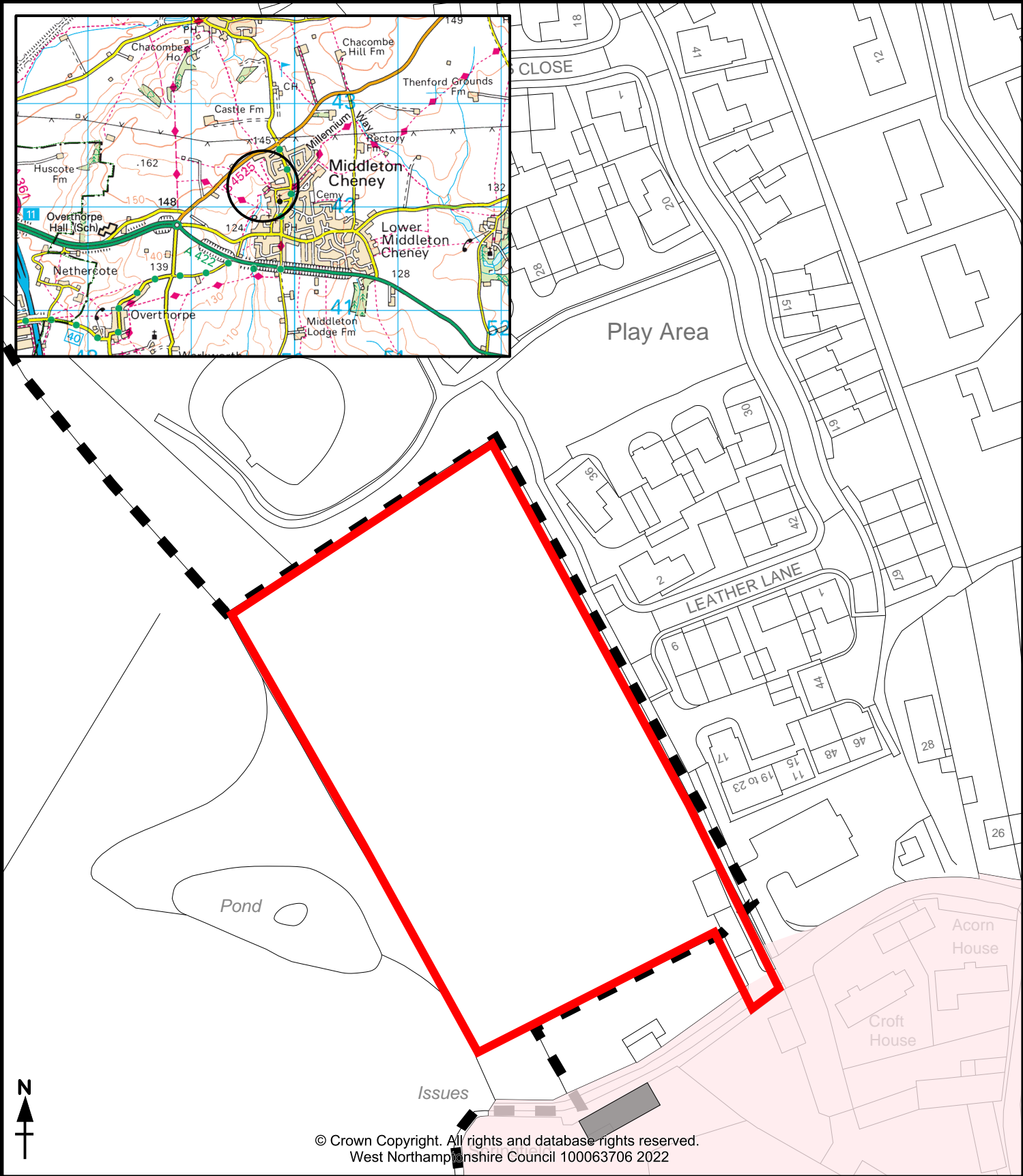
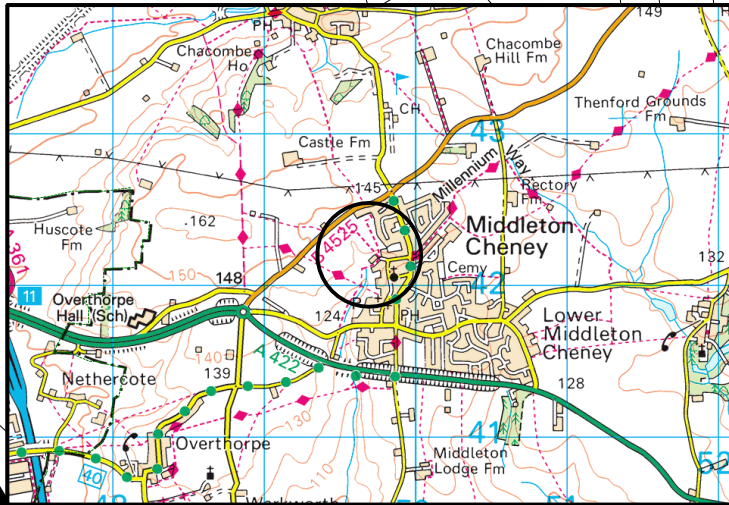
INFORMATIVES

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working.

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Application Number: WNS/2021/0931/MAO

Parish: Middleton Cheney CP



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West Northamptonshire Council 100063706 2022

Town/Village: Middleton Cheney

Site

Village/Town Confines

Site Area: 0.9915 Ha

Conservation Area

Listed Buildings

Grid Location: SP 49689 42199

Map Scale: 1:1250

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Application Number: WNS/2021/0931/MAO

Parish: Middleton Cheney CP



Map Scale: 1:1250

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/0931/MAO

Location: Land off Leather Lane, Middleton Cheney, OX17 2GE

Proposal: Outline planning permission for up to 21 dwellings with associated landscaping and parking. All matters reserved except access.

Applicant: Lagan Homes Ltd

Agent: Tetra Tech

Case Officer: Tom Ansell

Ward: Middleton Cheney

Reason for Referral: Major development contrary to the development plan

Committee Date: 6th April 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The application seeks outline permission for up to 21 dwellings on a parcel of land to the west of Leather Lane and Millers Way, a recently completed residential estate on the western side of Middleton Cheney. The application is for outline permission with all matters reserved except for access, which is to be taken from a turning head within Leather Lane. In support of the application the Council has received detailed access drawings to overcome highway concerns relating to the existing layout within Leather Lane, an indicative site layout and a parameters plan showing where development blocks, estate roads, planting and the attenuation pond will be located within the site.

Consultations

The following consultees have raised **objections/made observations** in respect of the application:

- Planning Policy, Middleton Cheney Parish Council, Conservation, Lead Local Flood Authority (new information has since been submitted to address these concerns), Local Highway Authority (new information has since been submitted to address these concerns), Development Management (Section 106 function), Environmental Protection, WNC Ecology

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

- Building Control, Crime Prevention Design Advisor, Thames Water, Anglian Water, Ramblers Association, Strategic Housing

4 letters of objection have been received and 2 letters of support have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of development
- The impact of the development on highway safety
- Affordable housing, impact on local infrastructure and S106 matters

All other matters relating to scale, layout, design and landscaping are reserved for a future application. However, the following matters also require consideration at this stage.

- Landscape & visual impact of developing the site
- Residential amenity
- Flood risk
- Ecology

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 parcel of land around 1ha in size located to the west of Leather Lane, a small estate road that forms part of the larger recently completed Millers Way housing development on the western edge of Middleton Cheney.

1.2 The site is presently a relatively unmanaged paddock nearly wholly surrounded by mature trees and hedgerows, affording it a somewhat tranquil, rural character. To the south is a Grade II listed building known as Springfield House, which is accessed via a Public Right Of Way (PROW) from Glover's Lane to the west. To the north is a large site upon which a development of circa 30 dwellings has recently commenced construction (this site contains an attenuation pond to its southern boundary). To the west is open countryside, separated from the site by a copse that contains a small pond. As already established, to the east are recently constructed (and now occupied) residential dwellings within the Millers Way residential estate.

1.3 Middleton Cheney is a Primary Service Village (Category B) and is recognised as being one of the largest settlements within the district other than Brackley and Towcester (the

Rural Service Centres). The site sits on the village’s western edge, to the north of Main Road, the main highway through the centre of the village from the A422.

2. CONSTRAINTS

- 2.1. The application site is in open countryside, in that it is outside of Middleton Cheney’s settlement confines as defined by policy SS1 of the Local Plan Part 2 (LPP2). It should be noted that the recently commenced residential development to the north is within the settlement confines.
- 2.2. The site lies to the north of a Grade II listed building and conservation area. The paddock potentially contains archaeological assets, is within 2km of a local wildlife site and is regarded as a potential habitat for protected species. A PROW flanks its eastern boundary (running north to south). This PROW will be inevitably affected by the creation of a new access into the site. Another PROW runs east to west to the south of the site, near the Grade II listed building. This will not be affected by the development.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development seeks outline permission with all matters reserved except for access for up to 21 dwellings within the 1ha parcel. This will include estate roads into the site, two indicative development blocks to the north and south of this, an attenuation pond in the south-western corner, and strategic landscape buffers/screening on the northern, western and southern edges.
- 3.2. Details plans concerning the access arrangements (and required amendments to the turning head within Leather Lane) have been submitted for review by the Local Highway Authority (LHA).
- 3.3. The applicant proposes a policy compliant amount of affordable housing (50%) which can be secured via a legal agreement.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the site but the following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
S/2012/0004/MAR	Residential development of 79 dwellings	Approval 14 th May 2012
S/2019/1953/MAF	Development of 32 homes and associated access and infrastructure	Approval 12 th May 2021

- 4.2. Pre-application advice was sought for 23 dwellings on the same parcel of land under reference P/2019/0279/PRM. Below is a paragraph from that report setting out the Council’s position on the principle of development:

‘I am of the view that the principle of development conflicts with an up-to-date development plan and in accordance with Paragraph 12 of the NPPF “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted”. I do not consider in this case that there have been any material considerations demonstrated that indicate that this plan should not be followed and that a decision should be taken to depart from the development plan.’

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 Northants 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
- S3 – Scale and Distribution of Housing Development
- S6 – Monitoring and Review
- S10 – Sustainable Development Principles
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- BN7a – Water Supply, Quality and Wastewater Infrastructure
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- R1 – Spatial Strategy for the Rural Areas

South Northants Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Development Hierarchy
- SS2 – General Development Principles
- LH1 – Development within town and village confines
- LH8 – Affordable Housing
- LH10 – Housing Mix and Type
- SDP2 – Health Facilities and Well Being
- INF1 – Infrastructure Delivery and Funding
- INF4 – Electric Vehicle Charging Points
- GS1 – Open Space, Sport and Recreation
- HE1 – Significance of Heritage Assets
- HE2 – Scheduled Ancient Monuments and Archaeology
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- NE4 – Trees Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity
- NE6 – SSS1s and Protected Species

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Document: Parking Standards and Design
- Developer Contributions
- SNC Design Guide
- Fire Year Housing Land Supply Report 2019
- Upper Middleton Cheney Conservation Area Appraisal and Management Plan

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
Building Control		No objections , all surface water to soakaway, radon protection required
Crime Prevention Design Advisor		<i>'The indicative site layout shows a development in keeping with designing out crime best practice in that the houses have predominantly back-to-back gardens; parking is on plot to the side or to the front and the houses address the street.'</i>
Thames Water		No objections to the information provided either on foul water or surface water. Note that Anglian Water are the water supplier for this area.
Ramblers Association		<i>'The only part of the footpaths likely to be affected by the proposed development will be where the proposed new vehicular access crosses footpath Au3 which seems to be outside the site boundary. It goes without saying that the continuity of AU 3 must be maintained.'</i>
Planning Policy		<i>'In this instance, the exemption criteria [set out in the Council's Development Plan] are not complied with and, in consequence, the policies of the Development Plan are not supportive of the current proposals.'</i>

Planning Policy [addendum]		<p>The JCS examination Inspector (paragraph 199) considered it <i>'desirable and acceptable in principle that the NRDA is taken as one joint area for the assessment of housing delivery'</i>. The most recent Fire Year Housing Land Supply statement demonstrates a 4.8-year supply in the NRDA (1st April 2021).</p> <p>The Middleton Cheney appeals inspector was clear that just because there is no five-year supply within the NRDA, that should not then open up wholesale development opportunities within the rural areas.</p>
Strategic Housing		No objections , <i>'...the SHMA and local</i>

		<p><i>housing needs data indicate that a minimum of 183 new affordable homes are required per annum in the South Northamptonshire area. The proposed development would help to meet some of this need.'</i></p> <p>Further comments provided on affordable housing provision and mix.</p>
Development Management (Section 106 function)		Provides expected contributions in respect of education, libraries and fire hydrants etc.

Middleton Cheney Parish Council		<p><i>'The application site is outside the village confines and is therefore contrary to Policy LH1 of the South Northamptonshire Local Plan Part 2 and Policy R1 of the West Northamptonshire Local Plan Part 1. The applicant has not addressed this in their submission material and provided no material considerations that justify a departure from this policy.'</i></p> <p><i>'The proposed development is around 21 dwellings per hectare. Given Middleton Cheney's role as a primary service village (Policy C2 of Local Plan Part 1) and the services offered in the village, this is a gross misappropriation of land. The proposal would also therefore run contrary to Policy H1 of the Local Plan Part 2 and Paragraph 124 of the NPPF 2021. Given the need to address climate change, and meet Government's carbon reduction targets, allowing development of such low densities would be anathema to our national commitments.'</i></p> <p>Queries also raised in respect of the data collected by the traffic surveys.</p>
Lead Local Flood Authority		<p>Raised queries in respect of submitted information. New information has since been submitted to address these concerns, but no response has been received from the LLFA at the time of writing this report.</p>
Anglian Water		<p>No comments to make.</p>
Conservation		<p><i>'The site lies to the north of a C17 house built in squared coursed ironstone and limestone, the building is Grade II listed; proposals should seek to sustain and enhance significance, which includes its setting, of heritage assets. The significance of the building lies primarily in its age, vernacular construction and form,</i></p>

		<p><i>survival of historic fabric and features, etc. Its setting, which extends beyond its curtilage and immediate environs has changed little over the years having always being located at the edge of the settlement accessed via a private lane / public right of way and is essentially located in the open countryside, the rural setting makes a limited but positive contribution towards overall significance. ...the development will still encroach into rural setting of the listed building urbanising the character of the surrounding area and resulting in harm to its rural setting and therefore significance of the listed building. This harm, which is considered to be less than substantial, should be weighed against the public benefits of the proposal (Para 202 of the NPPF).'</i></p>
Environment Protection		<p>Recommends...</p> <ul style="list-style-type: none"> • Noise Impact Assessment (preoccupation) • Construction Management Plan (pre-commencement) • All contamination conditions • EV charging points etc
Ecology		<p><i>'Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the mitigation identified in section 6 of the Ecological Appraisal are followed fully and successfully. The report includes a number of enhancements in section 6.2 which will ensure a net gain in biodiversity is achieved.</i></p> <p><i>I have recommended conditions for the production of a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) to integrate the mitigation measure outlined, to guide the future management of the habitats to achieve net gain and a sensitive lighting strategy for bats.'</i></p>

Local Highway Authority		<p><i>'The LHA has agreed the change of carriageway width to enable the proposed development to meet the current highway standards.</i></p> <p><i>'With regards to the existing turning head</i></p>
		<p><i>from which it is proposed that this development will take access, alterations will be required to remove the turning head and ensure a consistent road/footway design. If the road has been adopted by the Local Highway Authority, sections of the turning head will require "Stopping Up" under Section 247 of the Town and Country Planning Act (TCPA) in order to remove highway rights. Should the road still be unadopted, this will require negotiation with the land owner and likely Deed of Variation of the Section 38.'</i></p>

7. RESPONSE TO PUBLICITY

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

7.1. There have 4 letters of objections and 2 letters of support raising the following comments:

Objection

- Concerns over the access to the development being taken off Leather Lane and through Miller's Way due to its layout/design, safety of pedestrians due to blind crossing points, the practicality of using the turning head within Leather Lane etc.
- Concerns over increased sewage flow and rainwater runoff, increased footfall down Glovers Lane which is already dangerous due to the traffic attending the nursery school.
- Concerns that access might be taken in the future from Springfield Cottage to the south.
- Middleton Cheney has no doctor's surgery (*response received on 1st August 2021*), and new development will result in increased pressure.
- Dwellings within the development will look out over the back gardens of neighbouring dwellings (within Miller's Way), and there will be frontages that face bedroom windows, intruding upon privacy and affecting outlook.

Support

- The scheme proposed is preferable to others that have been considered, as it is considerably greener than other developments that have been passed recently.
- Surface water flooding has been addressed by the balancing pond on the edge of the site, and many trees have been retained.
- A lot of Council time and taxpayer's money has been spent defending the two other sites in Middleton Cheney (Water's Lane, Thenford Road) which were subsequently lost despite the Council demonstrating a housing land supply.

- This site is the most sustainable within the village in terms of walking and cycling distances to schools, shops, pharmacy and bus stops.

No further comments have been received at time of writing from any neighbours in response to the Council's reconsultation on the site access plans, parameter's plan and revised indicative layout plan.

8. APPRAISAL

Principle of Development

- 8.1. The adopted Development Plan for South Northamptonshire comprises the West Northamptonshire Joint Core Strategy (LPP1) and the Local Plan Part 2 (LPP2).
- 8.2. LPP1– this Plan was adopted in December 2014. Spatial Objectives 1, 3, 11 and 12 are amongst those that provide direction to the policies of the LPP1. These seek to provide a range of housing in sustainable locations; to reduce the need to travel and promote sustainable travel modes; to ensure all residents have access to a home that they can afford and that meets their needs; and state that housing development will be focused at the most sustainable location of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. Limited development will take place in the rural areas to provide for local needs and to support local services. Alongside this is the objective to protect and support rural communities to ensure they thrive and remain vital. The LPP1 policies most important for determining the acceptability in principle of development are policies SA, S1, S3, S10 and R1.
- 8.3. LPP2 – this plan was adopted in July 2020 and replaces Saved Policies from the 1997 Local Plan. LPP2 establishes a new settlement hierarchy and settlement confines for the District as well as a range of general development management policies used to determine proposals. Policy SS1 establishes that Middleton Cheney is a Primary Service Village, which are settlements likely to be more suitable for limited development than Secondary or Small Villages. The most important policies in LPP2 for determining the acceptability in principle of development are Policies SS1 and LH1.
- 8.4. Housing Land Supply – a Housing Land Availability Study South Northants Area from May 2021 demonstrates that there is a supply of 6.23 years of deliverable housing sites, and this supersedes the April 2020 Study which found there was a supply of 8.26 years of deliverable sites.

Assessment

- 8.5. The LPP1 is now over 7 years old. Accordingly, a review of the LPP1 policies was undertaken in accordance with the Town and Country (Local Planning) (England) Regulations 2012 (as amended). This review identified that many of the policies in the LPP1 remain up to date and consistent with the NPPF. It is on that basis that they should continue to be given full weight as part of the development plan for the purposes of decision making. This includes policies S1 and R1 and, importantly, Policy S3 which should continue to be used for the purposes of 5-year housing land supply calculations until such time as the West Northants Strategic Plan is produced.
- 8.6. Policy S1 sets out the general distribution of growth across West Northamptonshire, with development in rural areas being limited with an emphasis on enhancing and maintaining character and vitality, shortening journeys and facilitating access to jobs and services,

strengthening rural enterprise and linkages between settlements, and respecting tranquillity.

- 8.7. Policy R1 addresses the specific distribution of rural growth, which is to be informed by settlement hierarchies established in LPP2. In all cases development in the rural areas will be required to provide an appropriate mix, including affordable housing; to not affect open land of particular significance to the form and character of the village; to preserve areas of historic and environmental importance; to protect residents' amenities; to be of an appropriate scale; to promote sustainable development and to be within existing confines unless there are particular or exceptional circumstances. R1 goes on to say that once the requirement for the rural areas has been met development will only be permitted where specific criteria apply, including the retention of a local facility or service (criteria (ii)) where this is supported by an effective community consultation exercise (criteria (iii)).
- 8.8. The proposed development is not considered by Officers to comply with the requirements of Policy R1 in respect of its location outside the village confines. The application is directly in conflict with R1(g) as there are no exceptional circumstances (as set out by the policy) that would justify development outside the confines in this instance. The development would provide affordable housing and could make appropriate contributions to local infrastructure but is not exceptional in this respect.
- 8.9. In terms of LPP2, such development is also not supported by Policy SS1 for Primary Service Villages and Policy LH1 concerning residential development inside and outside of settlement boundaries. New development should be within the settlement boundary unless otherwise indicated in the Plan. In this instance the site is not otherwise allocated for housing in the Plan and the development would not fall within any of the exception criteria such as; starter homes/discounted market housing; entry level and single plot exception sites; self and custom built homes; specialist housing; residential and nursing care.

Material considerations

- 8.10. The Development Plan is considered up to date and therefore full weight can be applied to it. However, Officers consider it prudent to look at material considerations that could influence the Council's position on this submission.
- 8.11. Firstly, as noted above, policy compliant affordable housing provision will be provided (and could be secured via a legal agreement if the Council were mindful to approve). Strategic Housing have acknowledged a need for affordable housing units and have no objections in principle. The scheme would deliver 11 (rounded up) affordable units, going some way to meeting a demonstrable demand. Positive weight is afforded to this.
- 8.12. Secondly, Middleton Cheney is a 'Primary Service Village' as established by policy SS1 of the Part 2 Local Plan. A settlement of this designation is recognised as having '*the highest levels of services and facilities*', meaning that, outside of the rural service centres, they are regarded as being the most sustainable locations within the district to focus new development.
- 8.13. Notably, Middleton Cheney has recently had two housing developments (totalling around up to 74 units) approved outside of the settlement confines by a Planning Inspector (appeal references APP/2830/W/20/3261483 (Waters Lane) and APP/2830/W/20/3259839 (Thenford Road)). Importantly, these decisions acknowledged that the Council *did* have an up-to-date housing supply, but the schemes were granted despite this, due to '*very site-specific context*' of the proposals.

8.14. Lastly, and as will be explored in subsequent sections of the report, it is acknowledged by Officers that the only issue with *this* application, notwithstanding the absence of a draft S106 agreement at present time, relates to the principle of development, and the scheme being contrary to the development plan. Essentially, the only harm caused by the proposal arises from this conflict.

Comparisons to the other Middleton Cheney appeal sites

8.15. Officers will first look at whether there is direct comparability between this site on the western side of Middleton Cheney, and the two sites on the eastern side that were considered as part of recent appeal decisions.

8.16. In Paragraph 93 of the Waters Lane/Thenford Road (WLTR) appeal, the Inspector notes that Middleton Cheney is the '*largest PSV in terms of number of householders and second largest by population*'. The Inspector lists a wide range of services and facilities that Middleton Cheney benefits from, including schools, shops, a library, a church and a public house. Its proximity to Banbury and Brackley (as higher order settlements) was also noted, along with public transport opportunities. The Inspector found that the village of Middleton Cheney was accessible, with no material conflict with policy C2 of the Joint Core Strategy (which seeks to maximise travel choice from non-car modes in new development).

8.17. Both sites in the WLTR appeal were located on the eastern side of the village, but related closely to the existing built form and infrastructure (i.e. roads and footpaths). Main Road, the two-laned highway that runs through the built-up centre of the village from the A422 and which provides easy pedestrian access to most of the facilities (and along which a footpath of usable quality runs most, if not all, of its length) is only 100m or less from the edges of the two developments.

8.18. In fact, Middleton Cheney's facilities are somewhat concentrated on the western side of the village, closer to this site off Leather Lane. However, reaching these from either Waters Lane or Thenford can be achieved via a number of different routes on foot through existing housing estates. Those travelling on foot do not have to necessarily follow the Main Road if they would prefer not to.

8.19. Looking at the village's relative position to higher order settlements, Middleton Cheney is approximately 3.5m east of Banbury and its employment opportunities and larger scale shopping facilities. Banbury is accessed along a dual carriageway (the A422) which crosses the M40 (junction 11). There is no need for those visiting Banbury from Middleton Cheney to pass through any smaller settlements or negotiate poor quality roads. The village is around 4m from Banbury Railway Station, which can be reached using public transport (bus) in 25 minutes.

8.20. Those opting to visit Brackley instead can use the A422 heading due south-east, which is a wide, free-flowing two-laned road of good quality. It does, however, pass through Farthinghoe, a smaller village.

8.21. Arguably then, the sites at Waters Lane and Thenford Road both benefit from a close relationship to a much larger settlement which can be reached via a superior highway network that facilities faster and easier accessibility to employment and larger scale shopping opportunities.

- 8.22. In their concluding statements for the WLTR appeals that are referenced in paragraph 8.12 of this report, the Inspector was very clear that the decisions were made *'having regard to the very site-specific factors relating to this appeal'*.
- 8.23. It is clear that this site on the western side of Middleton Cheney also benefits from very site-specific factors that weigh heavily in its favour. In fact, the site is actually closer in proximity to the main 'hub' of Middleton Cheney, where a lot of the facilities are concentrated, and there are excellent pedestrian links to shops, schools and bus stops. It might even be argued that this site to the west of Leather Lane is even more favourably positioned, particularly in the context of policy C2 of the Joint Core Strategy (which seeks to maximise travel choices and non-car modes of transport).
- 8.24. Middleton Cheney continues to benefit from all of the facilities listed by the Inspector during their appraisal of the WLTR appeals. The Council can secure contributions towards local infrastructure, to ensure local educational and health-related facilities are able to absorb the pressure created by the new development.
- 8.25. Consequently, Officers find that the *'very site-specific'* factors identified by the Inspector determining the WLTR appeals applies wholly to this site on the western side of Middleton Cheney. Given the precedent established by the WLTR appeal decisions, particularly as these were made *despite* the Inspector concluding the Council had a housing supply (albeit a lower one than it presently does), Officers must afford significant weight to the fact that this proposal appears to be directly comparable to the two larger schemes allowed on the eastern side of the village.
- 8.26. To conclude, the factors that informed the Inspector's decision in the WLTR appeal, resulting in those schemes being allowed (against the Council's decision to refuse permission), are felt to fully apply to this smaller site on the western side of Middleton Cheney. This site is in close proximity to the numerous facilities, services and public transport links that the Inspector referred to as being important in generating site-specific factors, and this in turn is felt to weigh heavily in favour of the scheme.

Affordable housing

- 8.27. Turning to another factor that appeared to heavily influence the outcome of the WLTR appeals, the delivery of affordable housing was afforded significant weight by the Inspector. The following paragraph summarises the Inspector's position:

'On a District wide basis there has been a substantial under provision of affordable housing, with some households having to wait over a year for a home. These are households in need now and thus the provision of 27 affordable homes in an accessible location is a consideration that attracts significant weight in this case. Both parties agree therefore that the affordable housing provision secured should be given significant weight in this case.'

- 8.28. Officers do not have any figures before them to demonstrate whether the under provision of affordable housing has been measurably addressed since the determination of the WLTR appeals. Given the relatively short period of time that has elapsed, it is highly unlikely that the shortfall has been significantly addressed. Consequently, it might be argued that this scheme would also address an immediate need and as such similar importance should be given to securing the delivery of 50% affordable houses as part of the proposed scheme.

- 8.29. While Officers agree that affordable housing provision should be afforded weight, it is questioned whether the same 'significant' weight should be applied.
- 8.30. There is a potential cumulative impact of permitting market-led schemes outside of the settlement confines; specifically, the harm that such an approach would have on the adopted spatial strategy. There is a tangible risk that supporting a market-led housing development outside of the settlement confines simply because there are no **other** conflicts with the development plan, *and* the Council secures some affordable housing, will serve in the long term to severely undermine the spatial strategy and plan-led approach of focussing development in accordance with the adopted settlement hierarchy.
- 8.31. In referring to the delivery of 50% affordable housing as a reason to support a marketled scheme that is *contrary* to the development plan risks undermines the existence of policies within the plan that are intended to specifically encourage the delivery of affordable housing. For example, the Council recognises that there are opportunities for exception sites (i.e. 100% affordable housing) to be brought forwards on sites that are not necessarily within the settlement confines, but directly adjacent to them. The site before the Council today could potentially deliver a *policy compliant* scheme of purely affordable housing units, more comprehensively addressing the short fall of affordable housing within the district. However, it is very hard to imagine such a scheme ever being proposed if permission were granted for a market-led scheme.
- 8.32. However, Officers must again consider the outcome of the WLTR appeals, which is, unavoidably, a significant material consideration in the decision-making process of this specific application. The plan-led approach has been recognised and was addressed (to an extent) by the inspector determining the Middleton Cheney appeals, who stressed that it was only because of very site-specific factors that have been discussed in detail above (i.e. the size and sustainability of the village and the relationship of the sites to the village) that, together with the provision of demonstrably needed affordable housing, meant that the schemes before them were felt to be acceptable.
- 8.33. Officers take this to mean that, in the event that this site related to a lower order settlement, or even a Primary Service Village that was demonstrably less sustainable than Middleton Cheney (or if the site were in a less suitable location relative to such a settlement), the provision of affordable housing would **not** have, by itself, afforded sufficient positive weight to outweigh the technical conflict with the Development Plan.
- 8.34. However, Officers have already concluded that this site is felt to be directly comparable to the WLTR sites, inasmuch that it relates exceptionally well to a highly sustainable settlement, providing excellent pedestrian links to the village's facilities and services and public transport links.
- 8.35. Given this, and in order to show consistent decision making, Officers must also conclude that *on this specific occasion*, solely because of Middleton Cheney's superiority as one of the more sustainable Primary Service Villages as established by the WLTR appeal decisions, the provision of affordable housing should add to the weight in favour of the application.

Conclusion

- 8.36. The Council can demonstrate a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply. The proposed development does not comply with policy R1 of the LPP1

or policies SS1 and LH1 of LPP2 and is therefore considered to be unacceptable in principle unless there are material considerations that outweigh these policies. The material considerations applicable to this scheme have been identified and appraised above.

8.37. A detailed summary and final conclusion will be provided in the Planning Balance and Conclusion section.

8.38. However, Officers are satisfied that, on the basis of the information before the Council, this application can be supported in principle.

The impact of the development on highway safety

8.39. Policy C2 of LPP1 requires development to mitigate its impacts on highway safety. Policy SS2 of LPP2 requires development to include a safe and suitable means of access for all people including pedestrians, cyclists and those using vehicles.

8.40. The NPPF also requires provision of a safe and suitable access for all users. Para 111 however makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

8.41. Access – The access would be taken through Leather Lane to the west of the site which is a minor estate road that projects off the slightly larger Miller's Way. Leather Lane has not been constructed to standards typically adopted by the Local Highway Authority; it has a 1.8m footway on one side and an approx. 1.1m service strip on the other side, and it is 5m wide. However, a Section 38 agreement [drawing 2019.07.12 'S38 Drawing 501 Rev M S38' will be shown to Committee] is in place for Miller's Way and Leather Lane, despite this.

8.42. In response to LHA comments, and in conjunction with Officers at the LHA, the applicants have devised a way of amending the existing turning head so the internal estate road – constructed to adoptable standards - ties coherently into the existing highway within Leather Lane, resulting in changes to the existing PROW that runs north/south to the east of the site.

8.43. To achieve this, the applicants will need the cooperation of Vistry Homes, as they will need to agree (as the present Street Manager) to a Deed of Variation to the present Section 38 agreement in place that covers the existing turning head. A letter of comfort is being procured from Vistry wherein this party will confirm that they are happy sign a S106 agreement formally confirming its agreement to the DoV to the existing Section 38. Officers have not seen this yet, but have been advised it will be received ahead of committee (and it will be subsequently included in the Written Updates document for the committee item).

8.44. Traffic generation - Officers note that some local residents have raised concerns about the suitability of Leather Lane and Miller's Way and even the safety of the B4025 to the north where the Miller's Way estate road meets the main highway. Officers are aware that approving a scheme of up to 21 units here will place additional pressure on the existing highway network.

8.45. The LHA document 'Development Management & Adoptions Specification and Standards for Highway Layouts' dated August 2019 advises that carriageways should be 5.5m wide where a single point of access serves more than 200 dwellings (Clause 2.b.iii.1). Clause 2.b.iii. advises that within estates of this sort, short sections of road 4.8m wide, with 1.8m wide service strips, can also be acceptable.

8.46. While Leather Lane does not have 2x 1.8m service strips, it is 5m wide, and as such is felt to comply (together with Miller's Way) with guidance established within the above document. The total number of units, even taking the new development to the north (of circa 30 units) into consideration, is considerably less than 200. The development will not result in a situation that conflicts with the guidance in the above referenced document, and as such the traffic generated by the development will not result in harm to the existing users of the public highway.

Conclusion

8.47. The application site is within an accessible location with sustainable travel opportunities available to future residents and visitors. The village amenities are located within easy walking distance, as well as public transport options.

8.48. The LHA, following negotiations with the applicants on how to best deal with the turning head in Leather Lane, have agreed with the proposed solution and offer no in principle objections to the scheme. Conditions can be used to ensure that all off-site highwayrelated works are implemented in a timely manner in accordance with details that are first seen and approved by the Highway Authority.

Affordable housing, impact on local infrastructure and S106 matters

Policy context

8.49. Policy INF1 both within the JCS and the LPP2 require new development to be supported by appropriate infrastructure.

8.50. In this case there are improvements and enhancements to infrastructure, services and facilities required as a result of this development. These contributions are listed below.

Affordable housing provision

8.51. The proposal must provide 50% affordable housing in accordance with a tenure split provided by the Council's Strategic Housing Department. This contribution is essential as it ensures the scheme is policy compliant and consistent with the Council's Development Plan (policies LH8 and LH10 of the LPP2). This requirement is acknowledged by the applicant in the planning statement (Paragraph 4.1.3: '*The site will include policy compliant levels of affordable housing (50%) and bungalow (5%) provision.*') This can be secured via S106 agreement.

Healthcare provision

8.52. The Clinical Commissioning Group (CCG) has requested a figure of **£10,676.50** based on the number of units proposed by the scheme, to be used towards expanding primary healthcare capacity within the settlement.

Refuse and recycling

- 8.53. The development generates a need for additional wheelie bins to be provided by the Local Authority, which also must ensure there is a waste collection service. In order to do this, a contribution of **£70 per dwelling** is sought.

On site amenity space

- 8.54. The site is not able to provide any amenity green space, or natural/semi-natural green space, and so an off-site commuted sum has been calculated on the basis that the development will generate a need for around 0.02ha of each (based upon a requirement of between 0.0005 and 0.0006ha per person, across a population of 49.35 at 2.35 persons per dwelling). The total off-site commuted sum for each has been calculated by adding the overall cost of provision to the cost of maintenance (which itself is calculated on a cost per m2 per year over a period of 20 years).
- 8.55. For **amenity green space**, the commuted sum will be **£7,369.93**, with the cost of provision making up £3,935.17 of that and maintenance £3,434.76.
- 8.56. For **natural and semi-natural green space**, the commuted sum will be **£2,161.53**, with the cost of provision making up £927.78 and the cost of maintenance totalling £1,233.75.

Off-site playing fields

- 8.57. The type of development proposed will generate a need for additional playing fields and equipment associated with those fields. The Council seeks payment of a financial contribution towards provision and maintenance of off-site playing fields in the locality of circa **£924.70** per dwelling.

Children's play and provision for young people

- 8.58. The development will generate the need for an additional 0.01ha of children's play areas and space for young people. This cannot be provided on site, so a further commuted sum has been calculated which will go towards enhancing existing play areas and spaces within the locality. The commuted sum has been calculated at **£23,824.95**, with £14,719.87 of that forming the overall cost of provision, and £9,105.08 forming the cost of maintenance.

Allotments

- 8.59. The development generates a need to provide or enhance existing allotment facilities within the locality, although Officers note that such facilities aren't readily available or easily providable. The total requirement generated by the development is 0.01ha, and would attract a contribution of **£1,390.19**, with £857.21 going towards provision and £532.98 going towards maintenance. In the event that is deemed impractical or unreasonable to request this moneys, an allotments contribution will not be included within the S106 agreement.

Library contributions

- 8.60. A contribution is required towards the improvement, enhancement or expansion of library facilities within Middleton Cheney that will serve the development. Contributions will be calculated on a 'per dwelling' basis, when the housing mix is known, in accordance with this table:

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

Education – early years services

- 8.61. The EGRT has not provided a total figure for early years services, as the ‘sufficiency of capacity’ evidence base is currently being updated, and it is not possible to determine the current capacity and likely impact of this development on the demand. The EGRT have provided the multipliers, however, that would apply in the event a contribution was required:

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

- 8.62. Further consultation with the EGRT will therefore form an integral part of the completion of a subsequent S106 agreement.

Education – primary

- 8.63. The EGRT advises that Middleton Cheney Primary Academy would most likely serve the development, but that as of July 2021 this was exceeding the DfE’s recommended capacity thresholds. A contribution towards the provision of additional capacity will therefore be required to adequately mitigate the impact of the proposed development and to ensure that children residing at the properties can attend a local school.

- 8.64. The multipliers for the contributions are provided below.

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

Education - secondary

- 8.65. Notwithstanding the figures set out by the EGRT for secondary education contributions, SNC’s Infrastructure Funding Statement makes it clear that funding for secondary education should come from CIL. Therefore, Officers contend that a separate sum should not be sought via S106.

Conclusions

- 8.66. The development will result in the need for improvements and enhancements to local infrastructure in order to mitigate its impact. The proposal also needs to provide 50% affordable housing. These contributions and provisions would need to be included in a S106 agreement. Where there is no signed S106 agreement accompanying this application, it is submitted that the application could be granted approval subject to one being prepared and signed by the necessary parties.
- 8.67. Landscape & visual impact of developing the site

Legislative and policy context

- 8.68. The site affects the setting of a Conservation Area and a Grade II listed building.

- 8.69. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.70. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.71. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.
- 8.72. Policies HE1, HE5 and HE6 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.
- 8.73. Looking at policies that affect general visual impacts on the existing landscape, LPP1 Policy R1 requires development to not affect open land which is of particular significance to the form and character of the village; to preserve and enhance areas of historic or environmental importance including those identified in Village Design Statements and to be of an appropriate scale to the settlement. Policy S1 (criteria D) requires development in the rural areas to be limited, with the emphasis on respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities.
- 8.74. Policy SS2 of LPP2 requires development to maintain the individual identity of villages and to not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement and to integrate with its surroundings and the character of the area.

Assessment

- 8.75. The application is accompanied by a Landscape Visual Appraisal which concludes that the site has a medium landscape sensitivity, and that no landscape impact as a result of the development would be 'substantial', although there would be a number of moderate adverse effects on viewpoints of the site to the south. The LVA advises that *'within the wider landscape the Site and its surrounding vegetation are largely obscured and screened from view by a combination of topography and vegetation.'*
- 8.76. An independent review of this appraisal submitted in support of the previous planning application generally agrees with its conclusions, although suggests that some of the effects may have been downplayed slightly and that there were some omissions, particularly in respect of reference to key planning policies, and a lack of methodology and definitions.

- 8.77. It was recommended that the proposed site area be reduced to avoid loss of vegetation along the western side of the site, and that development on the southern boundary should be pushed further north away from Springfield House (the G2 listed building) and the conservation area.
- 8.78. should be augmented to reduce the impact of the development. It was also agreed that the conclusions of the earlier version of the LVA (that there would be no substantial effects upon the landscape) were correct and the similarities between the earlier and current LVAs satisfies Officers that this conclusion is still applicable.
- 8.79. The applicants have provided a response (via IDP Landscape Ltd) to the independent consultant's comments. In this, it is submitted that the main points of contention in respect of vegetation loss and the harm caused to the landscape visual receptors are reached due to assumptions made on vegetation removal based solely on the proposed site plan rather than the submitted Arboricultural Impact Assessment (AIA). It is argued that the vast majority of boundary vegetation will be retained as evidenced by this assessment, including a copse of trees that lie outside the western boundary of the scheme.
- 8.80. The applicant's response does not agree with the independent consultant's position that a 'Major Adverse' impact occurs to the character of the site, which is changed fundamentally. It is argued that development has occurred or has been approved within the site's setting in surrounding parcels of land, and therefore the change to the existing site is not wholly unprecedented.
- 8.81. Officers have considered the contents of the applicant's LVA and the subsequent responses made to both this by the independent consultant and the applicant's response via its own consultants. Having also visited the site (in summertime) and taken numerous photographs, Officers are of the view that, on the basis of the AIA, the amount of vegetation being lost as a result of the development is minimal, and the buffers shown as being retained both on the indicative site plan and, importantly, the parameters plan will be sufficient in securing additional robust planting that further soften and screen views of the development mainly from the south.
- 8.82. Officers agree with the independent consultant's view that the change to the site itself *will* be Major Adverse, inasmuch that a presently undeveloped, unmanaged and relatively tranquil green space will be lost forever. However, Officers also acknowledge the points made by the applicant's consultant, in that the context of the surrounding landscape has changed, and its 'loss' as an unmanaged paddock does not result in significant overall harm, despite the Major Adverse designation assigned by the independent consultant.
- 8.83. On this point, the site's relationship to surrounding natural boundaries and existing (and forthcoming) residential development is critical to the scheme's relative acceptability, from a visual impact/landscape impact perspective.
- 8.84. The site benefits from a natural western boundary formed by mature trees and a thicker copse (containing a pond), effectively capping further westward development. To the north, a scheme of circa 30 residential units has recently commenced, and once delivered will mean the site is effectively surrounded on three of its four sides by residential development. The development of this site would therefore be, somewhat logically, infilling the remaining land in this location that can be developed.
- 8.85. Furthermore, it is true that the only visibility afforded to the site will be to the immediate south. From here, as development peters out along Glover's Lane and towards

Springfield House, the development of the site might be viewed a little discordantly with the perceivable character and surroundings to those using the footpath.

- 8.86. However, the relatively lower density of the development (approximately 21 units per hectare) works in its favour, insomuch that it is logical and expected for development on the edges of settlements to gradually become looser and less dense in nature. While Officers note the Parish Council's position on the density, which suggests that it objects to the inefficient use of the land, Officers would regard a higher (30-35dph) scheme here as resulting in more harm, as it would inevitably have a more urban feel and appearance, less green space, and be pushed further towards the outer edges of the site (at more significant detriment to the setting of the Grade II listed building and conservation area)
- 8.87. The Conservation Officer notes that the development nonetheless results in an encroachment into the rural setting of the Grade II listed building, which in turn results in less than substantial harm. Officers consider this harm to be further reduceable through controlling the design, appearance, layout and landscaping of any subsequent scheme which is submitted (i.e. requiring high-quality materials and architectural detailing, requesting robust landscaping in the strategic zones identified on the parameters plan). Such harm would be easily counter balanced by the public benefits of securing the delivery of affordable units as well as generally bolstering the Council's housing supply in this sustainable location.

Conclusion

- 8.88. Having considered the site's relationship to surrounding residential development, its natural boundaries to the west, the contents of the submitted LVA and subsequent review/response to that review, and the indicative layout plan/parameters plan, Officers are satisfied that, with the exception of the loss of the site as a presently undeveloped and unmanaged paddock, developing the site will not result in unacceptable long-term harm to the appearance or character of the settlement in this location.
- 8.89. The Council retains sufficient control through future reserved matters applications (and conditions) to ensure any subsequent scheme delivered here is of an appropriately high quality, in keeping with the site's location on the edge of the district, forming a bridge between the denser and more urban centre of the village and the undeveloped open countryside to the west, beyond.

Residential amenity

- 8.90. Officers note that a respondent has aired concerns that the development will result in harm to amenities through overlooking (of both windows and outside amenity space), and loss of outlook.
- 8.91. The exact layout, design and appearance of the dwellings (including where openings will be positioned) will be determined at a later date. However, given the above concern it is prudent for Officers to consider whether providing any form of development within the development block areas as established by the parameters plan is likely to result in harm to the amenities of those neighbouring the site.
- 8.92. Plots 1 – 5 and 14 – 19 will *likely* have windows facing towards properties in Leather Lane and Miller's Way, as the parameters plan to some degree prescribes the eventual layout of dwellings within the development blocks. The relationship between proposed dwellings within the development site and those in Leather Lane/Miller's Way isn't terribly intimate, with private drives, landscaping strips and a PROW all lying between the two.

- 8.93. The distance between the facades of properties within the site and the existing properties opposite is shown as being around 18-22m, in line with the Council's recommendations in its Design Guidance (Chapter 4.7). This distance ensures that direct window-to-window overlooking and loss of privacy is highly unlikely. The distance between plots 2 – 5 and number 36 Miller's Way is a little more, between 22m and 26m (the latter distance being from the indicated façade of the new properties to the boundary that demarcates the rear garden to 36). Again, these distances will exceed the recommended separation distances.
- 8.94. The indicative layout therefore shows how 21 units can be provided in a manner that safeguards the amenity of existing occupiers in the properties opposite. It also shows how all future residents of the development can benefit from reasonably proportioned private amenity spaces that are not overlooked or 'hemmed in' by surrounding built form.
- 8.95. Consequently, Officers find that developing the site does not represent a risk of causing harm to the amenities of existing and future occupiers of Leather Lane, Miller's Way or the development site. The reserved matters applications will afford Officers sufficient power and opportunity to ensure eventual layouts and window positionings do not result in overlooking or loss of privacy to individual properties.

Flood risk

- 8.96. The site is wholly within a Flood Zone 1, which carries the lowest risk of flooding. Thames Water and Anglian Water have offered no objections in respect of foul water drainage and surface water drainage, although the latter is simply the water provider in this area and has not offered any comments at all.
- 8.97. As the site proposes more than 10 dwellings, and is therefore a 'major' development, the application is accompanied by a Surface Water Drainage Strategy. This was amended in response to comments raised by the Lead Local Flood Authority, which required confirmation on whether there existed permission for the applicants to discharge or cross third-party land and also for figures to be updated such that they reflected a worst-case scenario.
- 8.98. Officers note that Appendix D within the revised statement clearly shows permission being granted for access to the stream on the adjacent land for discharge purposes. Furthermore, the attenuation volume required has been adjusted to reflect the worstcase scenario (page 12 of the report). However, despite consulting the LLFA back in September, no response has yet been received confirming this consultee's satisfaction with the revision, or recommending any conditions.
- 8.99. Officers will continue pressing the LLFA for a response to the revised information, such that this might be provided in the updates (along with any recommended conditions). In the meantime, Officers are satisfied, from reviewing the revised information, that the concerns are likely to have been addressed.
- 8.100. At any rate, it is clear that there is no in principle objection on flood risk or drainage grounds from the LLFA or any other relevant authorities. As such, flood risk and drainage are considered to be appropriately mitigable through the use of planning conditions, which will be established with the LLFA prior to any decision being issued.

Ecology Impact

Legislative context

- 8.101. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.102. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - b. That there is no satisfactory alternative.
 - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.103. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.104. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.105. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.106. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires

that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.

- 8.107. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.108. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is felt to have potential due to being an unmanaged meadow in a semi-rural location, surrounded by mature trees and hedgerows and a body of water.
- 8.109. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.110. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.111. The application is supported by a detailed protected species survey which has been reviewed by the Council's Ecology Officer, who has subsequently recommended a range of conditions which work with the survey to mitigate the impact on protected species.
- 8.112. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is presently unknown due to the outline nature of the application. CIL figures will be generated when total floorspace is eventually known during the reserved matters application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The paragraphs 8.1 – 8.38 ('Principle') explore whether the site before the Council today is comparable to two other sites in Middleton Cheney that were recently granted approval at appeal. This exercise sought to establish whether this site benefits from the same very specific factors that resulted in those two other sites having permission granted for circa 70 dwellings, despite being outside of the settlement confines and despite the Inspector agreeing that the Council had a five-year housing supply. The purpose of the exercise was to establish whether there exists justification for the Council taking a similar exceptional approach to this development that, on face value, conflicts with the development plan and results in harm.
- 10.2. Those paragraphs also look at whether the provision of affordable housing should be afforded such significant weight as to also outweigh the harm arising through the technical conflict with the development plan.
- 10.3. Officers find that the site at Leather Lane is directly comparable in terms of sustainability to the other two sites subjected to appeal, and that its location on the western side of the settlement, in a logically 'confined' parcel of land surrounded on three sides by residential development, causes it to actually benefit from a better proximity to services, infrastructure and other high order settlements than the two sites on the eastern side of the settlement. It was therefore concluded that there are important site-specific factors in respect of the Leather Lane site that should add positive weight to the scheme, as per the Inspector's conclusions at Waters Lane/Thenford Road.
- 10.4. Officers remain concerned that supporting market-led schemes outside the settlement confines serve to undermine the spatial strategy. In particular, the Council has recently adopted policies which are intended to encourage the delivery of affordable housing through (for example) exception sites.
- 10.5. In any other situation, where the settlement is of a lower status or even the same status as Middleton Cheney but has fewer, or less accessible facilities, or the site is in a less sustainable location relative to the settlement itself, to offer support to a market-led scheme that offers much less affordable housing than what might be achieved by an 'exception site' policy compliant scheme on the same (or different) site, would be considered to undermine the aforementioned policies within the spatial strategy.
- 10.6. However, and it is stressed on this particular occasion, for the same site-specific reasons that Inspectors found on the two appeal sites at Waters Lane and Thenford Road respectively, Officers conclude that the harm caused through this conflict with the development plan is outweighed by the demonstrable sustainability of the settlement and the site's proximity to its services and facilities, to public transport routes and higher order settlements.
- 10.7. Importantly, the provision of affordable housing in such a sustainable location is felt to add further positive weight to the scheme, although it is stressed that the provision of affordable housing alone is not a deciding factor in this conclusion; it does not, by itself, cause this application to be regarded as acceptable.

10.8. Therefore, the principle of development can be accepted, and as there is no other material harm identified as being caused by the development in any other regard, Officers must recommend approval of the outline permission.

11. RECOMMENDATION / CONDITIONS AND REASONS

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. 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 FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Payment of a financial contribution towards off-site amenity green space and natural and semi-natural green space of £9,531.46
 - b) Payment of a financial contribution towards off-site playing fields and associated equipment of £924.70 per dwelling (index linked)
 - c) Payment of a financial contribution towards off-site children's play area and space for young people of £23,824.95
 - d) Payment of a financial contribution towards off-site allotment provision or enhancement of £1,390.19 (assuming local facilities or opportunities can be identified)
 - e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £70 per dwelling (index linked)
 - f) Payment of a financial contribution towards educational infrastructure (early years (if needed) and primary) serving the development based upon multipliers that depend upon the numbers of bedrooms provided, as noted in the report above (Paragraphs 8.61 and 8.64)
 - g) Payment of a financial contribution towards library infrastructure serving the development based upon multipliers that depend upon the numbers of bedrooms provided, as noted in the report above (Paragraph 8.60)
 - h) Payment of a financial contribution towards primary health care provision for the development; contribution of £10,676.50
 - i) Payment of the Council's monitoring costs of £1000

Further Recommendation - In the event that the planning committee refuse to grant planning permission the Assistant Director for Planning and Economy seeks delegated authority to agree the content of a S106 Agreement in the event that an appeal is received.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON FRIDAY 8th APRIL 2022. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied**

that the proposal provides for facilities, infrastructure or affordable housing provision that would be required as a result of the development. This is to the detriment of both existing and proposed residents and contrary to Policy INF2 of the adopted West Northamptonshire Joint Core Strategy. Policy INF2 permits new developments only where the on and off-site infrastructure necessary to support it and mitigate its impact can be provided through a reliable mechanism (such as a unilateral undertaking or other form of Section 106 legal agreement).

CONDITIONS

TIME LIMIT & GENERAL IMPLEMENTATION CONDITIONS

Time Limit (outline)

1. 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 (General Development Procedure) Order 2015 (as amended).

Reserved matters

2. 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).

Compliance with Plans

3. 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:
 - Drawing 02 'Location Plan 1:1250' received 28th June 2021
 - Drawing A114668 - PRJ01-TTE-00-ZZ-DR-O- 00009 [existing access arrangement] received 25th January 2022
 - A114668 - PRJ01-TTE-00-ZZ-DR-O- 00010 [proposed access arrangement] received 25th January 2022
 - Drawing 01 Rev F 'Site Plan 1:500' received 10th February 2022
 - Drawing 05 'Parameters Plan' received 14th February 2022
 - Document 10664_AIA.001 Rev A Arboricultural Impact Assessment prepared by Aspect Arboriculture, dated June 2021, received on 28th June 2021

- Ecological Appraisal prepared by Aspect Ecology, dated April 2021 and received 28th June 2021
- Document 'Surface Water Drainage Strategy' reference 784-AA114668 prepared by Tetra Tech, dated September 2021 and received 21st September 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.

Accord with Ecological Survey

4. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in section 6 Ecological Appraisal, by Aspect Ecology, dated April 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.

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

Protected species check

5. A maximum of two months prior to 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.

Landscape and Ecological Management Plan (LEMP)

6. Prior to first commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage 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.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity)

has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication; The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction management plan

8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan.

9. Possible condition – to be confirmed by LLFA: Details of surface water drainage scheme

EXAMPLE WORDING:

No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall

subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- c) Confirmation that the receiving highway drain is in a suitable condition and has the capacity to accept the proposed flow of 1.6 l/s wheel washing facilities;

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

10. Possible condition – to be confirmed by LLFA: Surface water drainage management scheme

EXAMPLE WORDING:

No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

Details of access/turning head alterations

11. Prior to the commencement of the development, details of the proposed construction, materials and surfacing of the access road into the site and its junction with Leather Lane, including all alterations required to the turning head within Leather Lane and the affected Public Rights of Way, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before first occupation of the dwellings and thereafter permanently maintained as such.

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.

Trees

12. No development shall take place until the existing tree(s) to be retained have been protected in accordance with the Tree Protection Plan (Appendix C of the Arboricultural Impact Assessment prepared by Aspect Arboriculture, dated June 2021 and received by the Local Planning Authority 28th June 2021) **and** a detailed Arboricultural Method Statement as recommended by **Paragraph 6.1.1** of the same report, which shall be

submitted to and approved in writing by the Local Planning Authority. Any barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies SS2 and NE5 of the South Northamptonshire Local Plan 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.

Archaeology

13. In line with the recommendations of the Archaeological Desk-based Assessment prepared by Orion Heritage Ltd and dated May 2021, and received 28th June 2021, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

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

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

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

Unexpected land contamination

14. 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

Fire hydrants

15. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason : To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

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

16. **Possible condition – to be confirmed by LLFA: Verification reports re drainage**

EXAMPLE WORDING

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment, dated April 2020 prepared by Flood Risk UK has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason – To ensure the installed Surface Water Drainage System is satisfactory, complies with policy SS2 of the Development Plan, and is accordance with the approved reports for the development site.

EV Charging Points

17. No dwelling hereby permitted (with a garage or driveway) shall be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.

Reason : 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 TO BE COMPLIED WITH AT ALL TIMES

Removal of PD rights – extensions [enlargements only]

18. Notwithstanding the provisions of Classes A-D inclusive 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 of any dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : Taking into account the density 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 the amenities of the adjacent occupiers are not adversely affected in accordance with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

Removal of PD rights – fencing/walls/gates etc

19. 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, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : To ensure that visibility and the openness across the site is protected in the interests of public and visual amenity in accordance with policy SS2 of the Local Plan and Government guidance contained within the National Planning Policy Framework.

Prohibited working hours during construction

20. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours.

Use of native species

21. 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.

INFORMATIVES

Construction sites

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to

neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working **Protected species**

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. If any vegetation or trees are to be removed, it should first be ensured that they do not contain nesting birds or roosting bats. For further information or to obtain approval contact Natural England.

Legal Agreement

3. Your attention is drawn to the associated planning obligation that was entered into in accordance with S106 Town and Country Planning Act 1990 prior to this decision notice being issued.

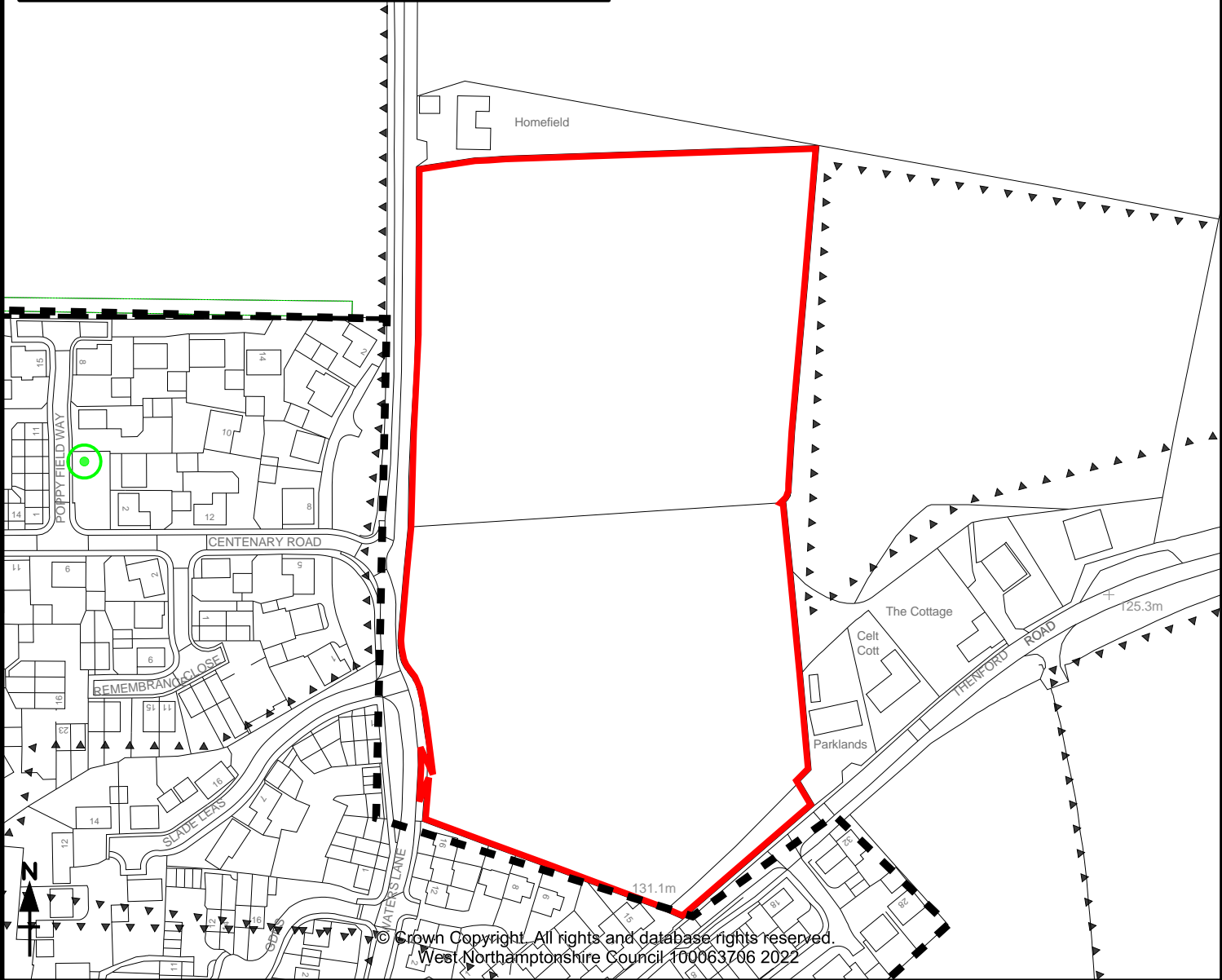
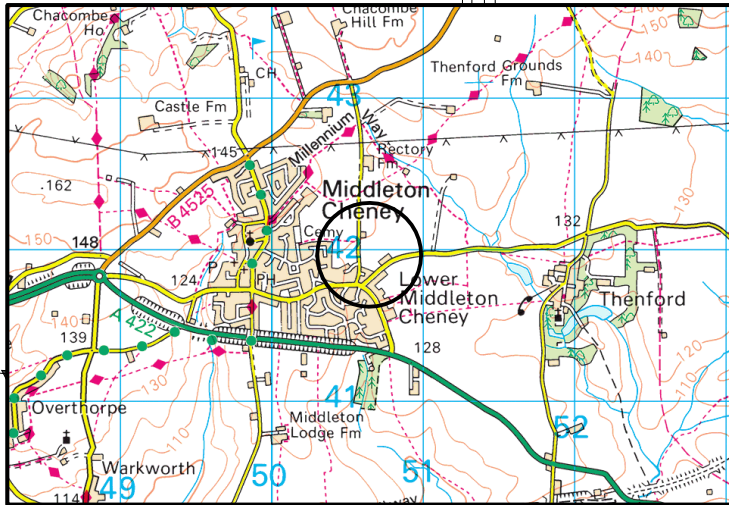
Community Infrastructure Levy

4. Please be advised that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy payable will be calculated when the reserved matters application is submitted. The levy will be payable at the time the development commences. More information about the CIL (including the Charging Schedule, definitions of which developments are liable and which developments are exempt, and the instalments policy) can be viewed on our website: <http://www.southnorthants.gov.uk/7143.htm>

Application forms, guidance notes and relevant legislation on the CIL can be found on the government website, the Planning Portal: <http://www.planningportal.gov.uk>

Application Number: WNS/2021/1815/MAR

Parish: Middleton Cheney CP



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 West Northamptonshire Council 100063706 2022

Town/Village: Middleton Cheney

Site

Village/Town Confines

Site Area: 2.9325 Ha

Public Right of Way

Tree Preservation Order - Single

Grid Location: SP 50641 41974

Site of Archaeological Asset

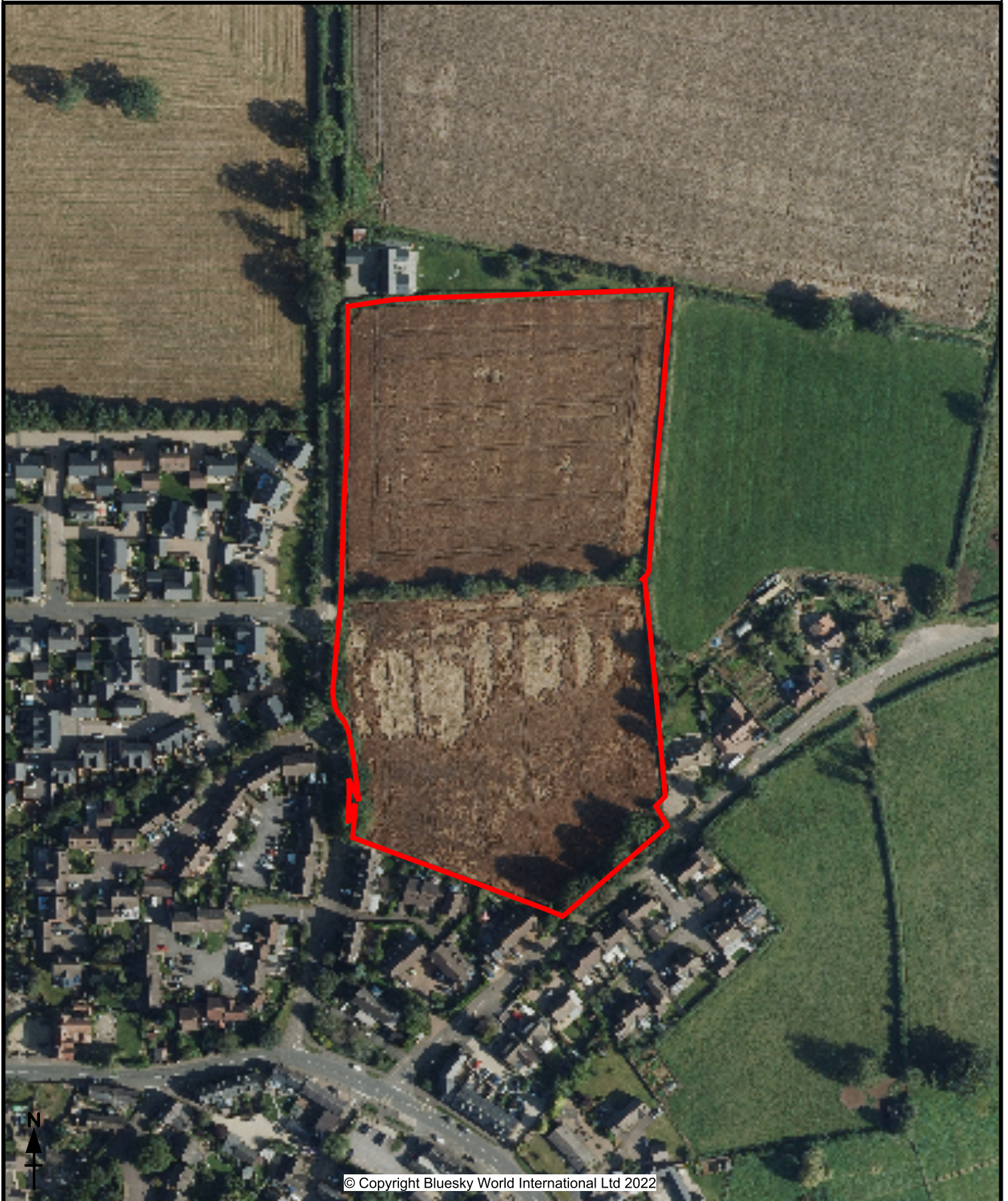
Tree Preservation Order for a Group

Map Scale: 1:2000

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Application Number: WNS/2021/1815/MAR

Parish: Middleton Cheney CP



Map Scale: 1:2000

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/1815/MAR

Location: Land at Waters Lane, Middleton Cheney

Proposal: Application for Reserved Matters Consent for Layout, Scale, Appearance, Landscaping and Access in respect of a Residential Development comprising 54 no. dwellings (Pursuant to outline planning permission S/2020/0441/MAO)

Applicant: Mulberry Homes

Agent: nineteen47

Case Officer: Tom Ansell

Ward: Middleton Cheney

Reason for Referral: Reserved matters application for a major development

Committee Date: 12th May 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS.

Proposal

The application is the reserved matters submission following outline application S/2020/0441/MAO, which was allowed at appeal following its refusal by the planning committee on 6th August 2020.

At outline stage the only reserved matter was the means of access (not including internal roads) taken from Waters Lane to the south-west of the site. Therefore, this reserved matter application is seeking consent for the following elements...

- Layout
- Scale
- Appearance
- Landscaping

The description refers to 'Access' being a reserved matter too. The principle of taking the main vehicular access into the site from Waters Lane was established by the outline approval. The reference to 'Access' in the description therefore refers to all other access-related matters other than what has been approved as part of the outline permission (for example, pedestrian links, internal highway layout, footpaths etc).

Procedure

During the course of this planning application the Council engaged in pre-application negotiations and discussions to address concerns it had in respect of the layout of the site, in particular its lack of alignment with the approved parameters plan, as well as concerns about parking, development parcel arrangements, house types etc.

On 19th April a new package of drawings was submitted following the conclusion of the preapplication discussions, and the Council is presently in a re-consultation period in respect of those drawings.

Consultee responses below reflect responses to the **original** submission. At time of writing, no formal responses to the new drawings have been received from either consultees or third parties (i.e. neighbours). Officers will update this report with new responses as and when they are received, and will then use written and verbal updates should any be received between this report's publication and the committee date.

Consultations

The following consultees have raised **objections** or have made **critical observations** in respect of the application:

- Crime Prevention Design Advisor, Local Highways Authority, Clinical Commissioning Group, Strategic Housing

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

- Recreation and Leisure, Environmental Protection [have referred to comments on outline permission], Building Control, Planning Policy, Conservation,

11 letters of objection have been received (from seven 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.

The key issues arising from the application details are:

- Principle of Development
- Reserved matter: layout (including compliance with parameters plan, amenity, and internal roads/paths, parking provision etc)
- Reserved matter: scale (including housing mix and built form)
- Reserved matter: appearance (including design, finish, detailing etc)
- Reserved matter: landscaping (including boundary treatments)

The report looks into the key planning issues in detail, and Officers conclude that the proposal 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 remains largely the same as it was when the outline application was processed by the Council in mid-2020. It comprises a gross area of 2.92 hectares of arable land on the east side of Waters Lane; between Waters Lane and Thenford Road. It forms two fields divided by an established hedgerow. The land falls to the south east.
- 1.2. Access is currently provided by field gates onto Waters Lane and Thenford Road. Each of the site boundaries is delineated by hedgerows with a further hedgerow running eastwest across the middle of the site. A tree belt is located along the Thenford Road frontage.
- 1.3. Alongside the northern boundary lies a residential property and garden. Abutting the eastern edge is a field with the rear garden of a residential property off Thenford Road beyond the south eastern corner. Residential properties back onto the site beyond the southern boundary. A new housing development known as Centenary Way/Poppyfields Way lies opposite the site on the western side of Waters Lane (Council references S/2012/0221/MAO and S/2013/0928/MAR).
- 1.4. A public footpath lies beyond the site and runs westwards from Waters Lane joining with High Street. This path provides an informal route to the village's secondary school and onto the village centre.
- 1.5. The historic 'core' of lower Middleton Cheney lies to the south focussed along Main Road.

2. CONSTRAINTS

- The site lies on land considered to be open countryside
- The site lies outside the settlement confines as designated in the Part 2 Local Plan
- The site is not within a conservation area or within the setting of any listed buildings or scheduled monuments
- The site is within Flood Zone 1
- The site lies within 2km of a number of Local Wildlife Sites
- A Public Right of Way (PROW) runs opposite the site between Waters Lane and High Street and to the north
- A native hedgerow crosses the centre of the site and hedgerows run along most site perimeters
- There are mature trees along some of the site boundaries especially Thenford Road and Waters Lane
- There are residential properties in close proximity to some of the site perimeters
- The land rises in the southerly field up towards Thenford Road.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development is seeking reserved matters approval for 54 dwellings, following the granting of outline approval S/2020/0441/MAO by a Planning Inspector after the outline was refused by the Council's planning committee. The application seeks reserved matters approval for...
 - Layout
 - Scale
 - Appearance
 - Landscaping

3.2. Access has already been established and agreed from Waters Lane in the south-western corner of the site. However, no other aspects of access or highway safety were agreed at this time. Therefore, the layout of internal roads, and other means of access (i.e. pedestrian links and cycle links and recreational routes etc) are also to be considered as part of this application, within the 'Layout' reserved matter primarily.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2020/0441/MAO	Outline planning permission for the development of up to 54 dwellings (use class C3) including means of access into the site (not internal roads), associated highway works, public open space and extended gardens to No's. 6, 8, 10, 16 Waters Lane and 15 Thenford Road.	Allowed at appeal [see below]

4.2. Application 0441/MAO was approved by the Planning Inspector following its refusal by the Council's committee in August 2020. The Planning Inspector concluded that, notwithstanding a five year housing supply, the sustainability of Middleton Cheney as a settlement, coupled with the location of the sites in logical locations, the absence of any other harm and the provision of 50% affordable housing, that there were very site specific circumstances that outweighed the technical conflict with the development plan.

4.3. Pre-application discussions were also entered into as part of the present reserved matters application. The purpose of these discussions were to revise the site's layout, the house types, and other details that were felt to be critical to the scheme's success. The scheme before the Council today (dated 19th April) represents the outcome of these discussions.

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 – The Distribution of Development
- S3 - Scale and Distribution of Housing Development
- S10 - Sustainable Development Principles

- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- C2 – New Developments
- RC2 – Community Needs
- H1 - Housing Density and Mix and Type of Dwellings
- H2 - Affordable Housing
- H4 – Sustainable Housing
- INF1 - Approach to Infrastructure Delivery
- 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 – Development within town and village confines
- LH8 – Affordable housing
- LH10 – Housing mix and type
- SDP3 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance
- SNC Design Guide
- SPD Parking Standards and Design
- Middleton Cheney Village Design Guide

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Unless explicitly stated, these are the responses submitted to the original scheme, not the April 2022 plans. All responses (including those that may be received in due course as a result of the reconsultation) are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Crime Prevention Design Advisor		<ul style="list-style-type: none"> • The footpath circling the POS travels close to plots with no buffer, potentially giving rise to nuisance issues as the householders will have little defensible space. • The rear parking courts are not well

		<p>overlooked and will be more vulnerable to crime, and houses around the court will have exposed rear garden boundaries.</p> <ul style="list-style-type: none"> • There is no amenity space around the apartment building making ground floor rooms more vulnerable to nuisance behaviours and burglary.
Recreation and Leisure		<p><i>'The additional houses put usage pressure on the existing play, sports facilities, school facilities. No play areas are included in the design. South Northamptonshire Part 2 Local Plan 2011-2029 states the following Play Any LAP / LEAP / NEAP / MUGA. The play area should be of a size which is in line with Local Plan 2 Section 9, planning policy. For all new housing developments on sites of 6 or more dwellings (or 0.2ha) the following standards will be applied: 0.25ha per 1000 of designated equipped playing space inc teenage provision. Accessibility within 400m for LEAP 1000m for NEAP 1000m for teenage facilities. The pathway around the development is positive plus the additional trees to North of development does allow for informal play and new planting offsets the loss of trees on the development and this encourages natural play.'</i></p> <p>Officer comment; a LEAP is indicated on the site layout plan, and has been secured as part of the S106 agreement along with contributions towards its on-going maintenance. An 'Open Space Scheme' will need to be submitted as part of complying with the S106 agreement, before this LEAP is delivered.</p>
Environmental Protection [to revised plans]		<p><i>'Any conditions associated with this case in relation to noise, contaminated land and light, will need to be re associated with this variation application so that the impact of these amendments on these issues are addressed.</i></p> <p><i>If there is a noise, light and contaminated land condition associated with S/2020/0441/MAO which has not yet been discharged, then the amendments can be dealt with when these come forward for discharge.'</i></p> <p>Officer note: the Inspector did apply a CEMP condition and contamination conditions on the appeal approval.</p>

Local Highway Authority		The LHA provided a number of observations tailored specifically to the layout originally submitted. The layout has
		change, making some of the comments inapplicable or irrelevant now (i.e. plot numbers have changed, parking courts have been omitted and significantly altered). Officers will ensure up-to-date comments are submitted to the Council ahead of the committee meeting.
Building Control		No objections ; all surface water to soakaway, radon protection to be ascertained, fire vehicle access to be ascertained.
Planning Policy		<i>'The principle of development on this site has been established through the granting of outline application S/2020/0441/MAO. As such, the Planning Policy Team raises no in principle objection to a reserved matters application; subject to the requirements of the outline consent being complied with and any associated reserved matters application being fully compliant with the requirements of the development plan, unless material considerations indicate otherwise.'</i>
Northampton Clinical Commissioning Group		<p><i>'The CCG can confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed new housing development of 54 dwellings at Land at Waters Lane, Middleton Cheney. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore the CCG and NHSE & I are seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services.'</i></p> <p>Officer note; the legal agreement for this site has already been prepared and signed as part of the outline submission. If no contributions were secured for the CCG at this stage (either in error or in absence of a request from CCG) then such contributions cannot be secured as part of this reserved matters application.</p>

Conservation		No additional comments to make.
Strategic Housing		A number of comments were offered specifically in relation to the originally submitted scheme and mix. This has since changed, making some of the comments irrelevant or inapplicable now (i.e. material variety, parking layouts etc).
		Officers will ensure up-to-date comments are submitted to the Council ahead of the committee meeting.

7. RESPONSE TO PUBLICITY

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

7.1. There have been a small number of objections raising the following comments:

- The unsuitability of the location/access into the proposed site in terms of size/intensity of use/amenity (Officer note; already agreed in principle at outline stage)
- The proximity of internal access roads to the boundaries with properties to the east (i.e. contrary to what was indicated at outline stage/on the parameters plan)
- Insufficient parking provided within site
- Requests relating to logistical issues concerned in the construction of any development on the site (i.e. traffic routeing)
- The omission of access points for pedestrians into the site in relation to the footpath to Chenderit School and Centenary Way, despite these being shown on the concept plans at outline stage
- Harmful overlooking from properties within development due to siting of windows within elevations and proximity to boundaries etc

8. APPRAISAL

- Reserved matter: layout (including compliance with parameters plan, amenity, and internal roads/paths, parking provision)
- Reserved matter: scale (including housing mix and built form)
- Reserved matter: appearance (including design, materials)
- Reserved matter: landscaping (including boundary treatments)

Principle of Development

- 8.1. Notwithstanding the site's location beyond the settlement confines of Middleton Cheney as defined by policy SS1 of the LPP1, the principle of developing this site was established by the Inspector that allowed the appeal made in 2020 following the refusal of permission determined by the planning committee (it is noted that Officers recommended approval of the application at committee).
- 8.2. Given this establishment of the principle, and that this is the reserved matters of the outline permission that was granted permission by the Inspector (subject to conditions/S106 agreement), the principle of development is now considered to be acceptable.

Reserved matter: layout

Parameters plan

- 8.3. A parameters plan was approved as part of the outline permission, and forms one of the approved documents. This provided a defined area designated for residential development, including access roads and private drives, and potentially the fuel pumping station. The residential development comprised 1.69ha of the site, with public open space (including the attenuation area, extended gardens and landscape buffer) comprising 1.17ha.
- 8.4. The site layout originally submitted to support the application failed to comply with the parameters plan in a number of areas, particularly in the south-eastern corner where private drives had been pushed right up to the eastern boundary of the site (with Parklands).
- 8.5. During pre-application discussions, it was agreed that the approved plan's layout around the attenuation pond and pumping station were proving difficult to work with, and a slight amendment to the boundaries of residential development and open space were proposed to help create flexibility. This subsequently led to a substantial improvement in design.
- 8.6. The new parameters plan was approved as a **non-material amendment** by application WNS/2022/0554/NMA. The amount of residential developable area and open space area remains as previously agreed, but the boundaries are tweaked in places, with the biggest change being around the attenuation pond. Officers also agreed that the pumping station could 'straddle' the boundaries if it made forming a coherent layout easier.
- 8.7. The scheme before the Council today accords fully with the new, revised parameters plan, which itself is not significantly different to the originally approved one (indeed, the changes are not felt to be material or affect the principle of development).

Development blocks, internal road layout, footpaths etc

- 8.8. The revised scheme proposes five development blocks, with the density gradually loosening from south to north (as conceptually agreed at outline stage). The development blocks largely follow the Council's Design Guide (Chapter 4.2), with the primary road from Waters Lane intersecting the site culminating in a turning head at its northern most point opposite the open space, with two smaller secondary roads and four private drives projecting off this.
- 8.9. The development blocks provide active street frontages, secure rear gardens, and side-of-plot parking (in most circumstances). The private drives meander in a relatively 'organic' fashion, creating interest and also helping the scheme feel more appropriate in its rural setting.
- 8.10. A footpath loops around the northern half of the site, beginning in the turning head to the west (between plots 5 and 15) and ending to the south of the pumping station/north of the attenuation pond. This footpath is well overlooked by dwellings that face outwards, which also retain defensible private spaces and are not vulnerable to users of the footpath creating privacy conflicts.
- 8.11. This footpath will be extended to the eastern edge of the site opposite the footpath to Chenderit School; this is shown on the drawing. It is also intended for a link to be provided

to the footpath into Centenary Road; this is not shown at time of writing but will be provided as an updated drawing ahead of committee.

- 8.12. Overall, the layout now follows the Council's Design Guide, securing a logical arrangement of built form and internal roads that reads as a logical extension to the village. *Parking*
- 8.13. Parking is mainly secured to the side of plots in a tandem fashion, with third spaces (for general visitors and/or for the four/five-bedroom units) also being provided sporadically and informally on the primary road and on the private drives. There is also more limited 'front of plot' parking and two parking courts.
- 8.14. The scheme provides policy compliant parking provision for all units. The site layout drawing is labelled accordingly, making it clear that on-road parking on the primary street are for general visitors, and certain off-plot spaces on the private drives are allocated to specific plots.
- 8.15. In places, the parking arrangement could be a little bit more logical; plot 53's parking is to the rear of that dwelling, directly alongside plot 52, which must park in the parking court to the immediate south-east. However, even when parking spaces are not directly visible to the dwelling that they serve, other dwellings do provide surveillance over those spaces.
- 8.16. The two parking courts have been designed well. The apartment block to the south-east overlooks the surrounding amenity spaces and parking areas comprehensively, while also having a small defensible buffer around it. The parking court that lies more centrally within the site, serving plots 6, 7 and 11, has less natural surveillance but is open and exposed from the primary street, meaning the rear gardens of those respective plots are much less vulnerable.
- 8.17. The parking layouts used broadly complies with the Council's design guidance, ensuring suitable overlooking and security while limiting the risk of a car-dominated street scene/environment. Where there will likely be a denser arrangement of parked cars (the eastern side of the site, where the affordable units are), there are opportunities to soften this with planting on verges and between spaces.

Amenity

- 8.18. All dwellings within the development are provided with amenity space, including those within the apartment blocks (albeit this isn't private and is limited in size). Where dwellings do not have garages they are given small sheds/bicycle storage units instead. A couple of plots, particularly affordable units, have slightly narrower and smaller amenity spaces than the larger, detached private market plots (i.e. plots 41, 44), but this appears to be sporadic, and plot depths and widths are in line with the recommendations provided by the Council's Design Guide (Chapter 4.7).
- 8.19. Back-to-back distances for the development blocks exceed 18m in most locations (where it doesn't, the properties are not directly facing one another), and there are no instances of blank, two-storey elevations being addressed by habitable accommodation at close range (i.e. less than 9m).
- 8.20. Garages with gables facing into garden areas do create slightly more overbearing features for those dwellings that have garages directly alongside the garden to the rear,

but these garages nearly always serve that specific dwelling, and at any rate this is considered to cause limited harm.

- 8.21. Properties that address the primary street through the site face each other at a distance of 12-13m rather than the required 18m (for habitable windows). However, this is felt to be acceptable as a certain degree of face-to-face 'overlooking' and inter-visibility should be expected if the dwelling directly fronts the main road (this is found in more historic parts of the village, where an enclosed street scene has dwellings on both sides facing each other).
- 8.22. Properties around the apartment block, particularly those to the south-east and southwest (on Thenford Road) will note that this building is taller and generally bigger than all others on the site. It will cast a bigger shadow, and appear as a slightly more bulky structure when viewed from amenity spaces.
- 8.23. Having said that, it is positioned carefully some distance from the boundary of the site (10m at its closest point), with some proposed landscaping going between it and the edge of the site. It is also orientated such that its principal elevation faces the street and side elevation of plot 51, and the upper windows facing north and south look over parking areas and bin storage areas etc within the site boundary.
- 8.24. As such, the apartment block won't harm the amenities of any neighbouring properties.
- 8.25. A number of properties on Thenford Road and Waters Lane will benefit from a larger garden as a result of the development, and these larger gardens will also be safeguarded further by a landscape buffer that will run east/west along the new boundary. The dwellings within the site, including those closer to the boundary with Parklands to the east, and 15 Thenford Road to the south (Officers note the comments received in this respect), will be adequately protected from overlooking, noise and any other forms of disturbance as a result of the revised layout.
- 8.26. The development is considered to be acceptable in amenity terms.

Conclusion

- 8.27. The development is considered to be acceptable in all regards in respect of its layout, and this reserved matter can be recommended for approval.

Reserved matter: scale

Affordable housing mix

- 8.28. 27 affordable units are proposed, with eight of these shown as intermediate affordable housing and the remainder rented affordable housing. This quantity and tenure mix is in line with the S106 agreement.
- 8.29. In total, the revised scheme delivers...
- 8 x 1-bedroom units
 - 11 x 2-bedroom units (two of these are bungalows)
 - 7 x 3-bedroom units
 - 1 x 4-bedroom unit

8.30. This has responded to the Strategic Housing officer's observation that reducing the number of 3-beds and increasing the number of 2-beds would *'more closely accord with local need from the housing register'*. For clarity, the previous scheme's affordable housing mix comprised...

- 9 x 3-bedroom units
- 9 x 2-bedroom units

Affordable house types/sizes etc

8.31. The affordable housing types are a mixture of two-storey semi-detached and terraced dwellings. The 1-bedroom maisonettes sit on a corner and are joined onto a semidetached pair of two-bedroom dwellings to create a single block with two frontages. Elsewhere, the four-bedroom unit 'Abington' is connected to a pair of semi-detached three-bedroom units. This, combined with the use of terraces to the south-east, create a pleasing mixture of built form that adds interest to the street scene.

8.32. Affordable housing is also provided in a three-storey apartment block in the southeastern section of the site. While the footprint of this building is not much larger than the footprint of the largest five-bedroom dwelling, it will be the tallest building within the development, even with the top floor accommodation being contained mainly within the roof.

8.33. However, the building's massing has been reduced through the use of two different materials; the formal principal building with its symmetrical façade will be finished in stone, and the less formal rear projection in brick. The roof of the rear projection is also set notably down from the ridge of the principal building. Furthermore, it is sited in the south-eastern corner of the development and does not directly adjoin any other built form; it sits on its own plot, with dedicated amenity space and parking around it. This openness, combined with the absence of built form immediately surrounding it, prevents its scale from causing this part of the site to appear cramped or over-developed.

Private market housing mix

8.34. The original scheme proposed...

- 1 x 2-bedroom unit
- 6 x 3-bedroom units
- 17 x 4-bedroom units
- 3 x 5-bedroom units

8.35. The Strategic Housing officer noted that this housing mix did not follow the findings of the Council's Housing and Economic Needs Assessment (HENA), and should be reconsidered in order to comply with policy LH10(1.a.). For avoidance of doubt, this policy stipulates...

'New residential development should ensure (a.) a mixture of types, tenure, size and costs of homes are provided to meet the varied needs of existing and future residents to contribute to the creation of mixed, balanced and inclusive communities.'

8.36. The revised scheme delivers the following housing mix...

- 1 x 2-bedroom unit
- 8 x 3-bedroom units
- 16 x 4-bedroom units

- 2 x 5-bedroom units

8.37. These numbers differ slightly from those shown on drawing n1677_0081 'Planning Layout'. This is because the applicants have included the 'Humberstone' as a three-bedroom unit on this plan, rather than a four-bedroom unit. This house type shows a 'study' on the first floor where a fourth bedroom might go. The study is large enough to be used as a single bedroom and will be served by an opening that appears to be compliant as an 'escape window'. Therefore, for the purposes of appraising the house types, and on the assumption that they will be marketed as three or four-bedroom houses depending upon the household's need for a study, the 'Humberstone' is considered a four-bedroom unit.

8.38. On that basis, and taking the Officer's figures above, there is an increase of two 3-bedroom units over the original submission, a reduction of one 4-bedroom unit and one 5-bedroom unit. This means that, of the 27 private market units, a third of these have three bedrooms or fewer and two-thirds have four-bedrooms or more. The bias clearly remains towards larger units, although it has improved slightly from what was submitted previously. The Strategic Housing officer has not yet provided a view on the revised scheme.

8.39. The Council's HENA, paragraph 12.41, provides the following...

'Delivery of family-sized housing remains a requirement in both urban and rural locations of West Northamptonshire. This includes providing family housing in the widest possible choice and mix of housing locations including the urban centres in the area (Northampton, Daventry, Towcester and Brackley) and through the sustainable expansion of rural and smaller settlements (particularly helping to support economic and social vitality).'

8.40. While the scheme does seemingly address the need for family-sized housing within the rural areas, the following paragraph (12.42) within the assessment goes on to note that the affordability gap analysis contained within the HENA shows how 3-bedroom units are *'just within reach of those on average incomes'*, but larger homes are not. This suggests that family-sized housing of four-bedrooms or more are less likely to be within reach of families on average incomes. Given the scheme's bias towards four and five-bedroom units, on face value, there is a risk that it provides limited opportunities for families that need more affordable (private) housing in the district.

8.41. Notwithstanding this, Officers afford weight to two material considerations. The first is that demographic trends found by the HENA tend to suggest that fewer 3-bedroom and more 4-bed and 5-bedroom units are required (paragraph 12.66). The scheme would appear to respond well to this. Secondly, three of the 4-bedroom units proposed (the 'Humberstone') are only modestly larger in size to the largest 3-bedroom units within the scheme (the 'Warwick'). Notwithstanding the position taken in paragraph 8.37 above, Officers afford positive weight to the fact that the 'Humberstone' is being shown as a three-bed with a study, as it is taking into consideration the need for the smaller family houses to have suitable working from home spaces following the trends set during the COVID-19 pandemic.

8.42. Officers can also use planning conditions to limit permitted development rights for further extensions and alterations to the smaller market dwelling house types, so as to exert control over the extent and degree to which these dwellings might

be altered in the future. This could prevent (for example) the bungalow being extended upwards into a dwellinghouse under Class AA permitted development rights, thus losing one of the three bungalows on the site.

8.43. As such, while the original response from Strategic Housing in respect of the private housing mix is noted, and the housing mix even now remains biased quite strongly towards larger units, Officers consider the scheme to be broadly according with policy LH10(1.a.) and align with the findings of the Council's HENA (which is dated July 2021). The differing position taken by the applicants and the Council in respect of bedroom numbers in the house type 'Humberstone' is not felt to represent an issue or be a reason to resist the application.

8.44. Officers therefore do not consider the bias towards larger housing on this occasion to form a reason to refuse the application. *Private market house types/sizes etc*

8.45. The market housing is provided via a variety of house types which are dotted around the site in a relatively random fashion. All are two-storeys with the exception of the 'Richmond', which contains two-bedrooms in its roof-space (it is a four-bedroom unit). The two 'Richmond' properties are located close to the primary street that runs through the middle of the site, and as such it is the two-storey development that forms the outward facing edge of the development blocks. This is felt to be the best approach to take, given the site's edge-of-settlement location adjacent to open countryside.

8.46. The largest market house is the 'Earlswood', which has five-bedrooms. It has a broad, symmetrical frontage and a large rear projection. While the rear projection is felt to be a quite wide, it is generally proportionate to the scale of the building it is attached to. There are two of these units on the 'street frontage' elevation to Waters Lane, along with a mix of smaller three-bedroom and four-bedroom market dwellings.

8.47. Overall, the number of different house types (there are six) provides for variety across the development, with all dwellings being of an appropriate scale and massing relative to the number of bedrooms they are to be given.

Conclusion

8.48. The scheme proposes 54 units, with a bias towards larger dwellings. Having considered the affordable housing mix and market housing mix, Officers are satisfied that there is an appropriate balance between smaller and larger units, which appears to align with the trends identified in the Council's HENA from July 2021. Furthermore, it is clear that some of the four-bedroom units are being provided as three-bedroom units with offices, which is felt to be appropriate given the number of people who work from home has increased significantly.

8.49. The dwellings are all appropriate in size, and the large apartment block (containing six units) has been designed carefully such that it's massing, and height does not conflict with the two-storey development surrounding it.

8.50. Officers have no concerns with the scheme in respect of scale.

Reserved matter: appearance

House types

8.51. The house types have been significantly revised following the pre-application discussions:

- The private market bungalow has been simplified with a single rear projection that has a half-hip half-flat roof, stepped in from the side.
- All two-storey rear projections are stepped in from the side elevation of the host dwelling (around 300mm)
- All two-storey rear projections are also subservient at ridge level, stepped down from the ridge of the main house
- Gable depths are in line with the advice provided within the Council's Design Guide, with most roofs having 45-degree pitches, and others having 50 and 55degree pitches to add some limited variety
- Architectural detailing has been added to the rear elevations, and lintels have been added to stone dwellings and brick soldier arches to brick dwellings
- The majority of dwellings have chimneys, with some terraces and semi-detached pairs omitting them, creating variety while respecting the district's vernacular
- The dwellings feature a mixture of formal and informal fenestration depending on house type, creating a pleasing yet appropriate mix of designs that also respect the opening size hierarchy where appropriate (i.e. smaller openings at first-floor level)
- Entrances are defined by gabled canopies rather than large lean-tos, and sidelights have been omitted or moved to side elevations where possible
- House types intended for corner plots where primary and secondary streets meet have been given active frontages through the use of bay windows (plots 15, 19, 22, 25 etc)

8.52. The apartment block has been a tricky building to incorporate into the scheme, being required to provide six generously proportioned 1-bed affordable units within the fabric of one building. The building provides accommodation over three internal floors, providing accommodation within the roof of the building, utilising modest eave dormers.

8.53. Ensuring this building is of an appropriate design has been resolved by visually 'breaking' the building up into two distinct elements; the main 'principal' building that faces west into the street, with a formal, symmetrical façade, and a subservient yet deep rear projection with less formal and symmetrical side elevations facing north and south. These elements will be finished in different materials to make them appear as a semi-detached pairing rather than a single block.

8.54. The garages have been amended (4th May) to show ridge lines orientated the other way, ensuring the doors are positioned within the preferred elevation and not a gable.

8.55. The revisions have brought the scheme in line with the Council's Design Guide and will result in a high-quality scheme that sits comfortably in this location, adjacent to a recently constructed estate of comparable scale and quality.

Materials

8.56. Three external facing materials are proposed to be used across the development:

- Natural ironstone
- Forterra Atherstone Red
- Forterra Oakthorpe Red

8.57. Roofing materials are either...

- Redland Mockbond Richmond Slate 10 [black] for brick plots
- Natural Spanish Slate [Slate Scape Mocha] for stone plots

8.58. Ironstone is a highly appropriate material to use in this location, given it is the prevalent material on historic buildings within the village's core. It is used widely on dwellings on the Centenary Road estate to the west of Waters Lane.

8.59. Forterra Atherstone Red bricks are a uniform red with little variation. A strong red brick is appropriate in this context as it generally works well together with ironstone and examples of red bricks are found (sporadically) within the village, and certainly within the wider district.

8.60. The stock Forterra Oakthorpe Red appears to be a more textured and slightly paler red brick when compared to the Atherstone. There is a little more variety in tone, with slightly

paler reds mixed in together with darker reds. Again, these will work well with ironstone, or on individual houses with no other materials.

8.61. Redland Mockbond Richmond Slate 10 tiles are a *faux* slate that, in black, will contrast strongly with the red bricks referred to above. The contrast between black and red might be a little stark. However, the principle of using some *faux* slates of a high quality is generally acceptable (Officers note that this material is shown on 22 of the 54 dwellings).

8.62. Natural Spanish slates are proposed for the remaining plots, including the apartment block and several of the affordable housing plots, and the 'Mocha' slate referred to is fully in keeping with the village vernacular, with a number of historic dwellings within the settlement roofed in natural slate.

Material distribution

8.63. All properties on the western edge of the development face towards Waters Lane (and the Centenary Road development opposite) and are proposed to be finished entirely in natural stone. Within the development there is then a mixture of Atherstone and Oakthorpe brick used for entire properties, with four of the outwards facing market dwellings on the northern and eastern edges faced in stone, and a further two affordable units faced in stone too (and another four affordable units also finished entirely in stone, not including the principal element of the apartment building).

8.64. Roofing materials have been determined by facing materials, with slate matched to stone dwellings and the Redland *faux* slate used for brick properties.

8.65. The distribution of finishing materials throughout the development is considered to have been done well, resulting in a mixed and varied street scene with the 'gateway' into the site framed by three stone properties.

Conclusion

8.66. Other important elements that affect the overall appearance of the development, such as boundary treatments (and finishes) will be considered in the subsequent section (landscaping).

8.67. However, Officers consider the dwellings to have been improved significantly in terms of design and appearance, scale detailing and finish over the course of the application.

8.68. The scheme before the Council will result in a high-quality edge-of-settlement development that accords with the Council's Design Guide and sits comfortably opposite the Centenary Way development to the west of the site.

Reserved matter: landscaping

Boundary treatments

8.69. A boundary treatments plan has been submitted that takes the revised layout into consideration. While it omits the proposed boundary treatment along the rear of the properties that are securing larger gardens, it shows the location and proposed materials for all other public-facing and internal boundaries.

8.70. The plan shows that the majority of boundaries that will be prominent or visible from the public realm will be in either stone or brick (either matching or tying comfortably into the material the adjacent house is finished in). Critically, there are some garden boundaries that will run alongside the primary and secondary streets within the development, and

these are in accordance with the Design Guide, and propose a brick or stone finish rather than a timber fence.

8.71. Timber fences are used to delineate rear garden boundaries within the development blocks and will be visible in a few locations along the sides of and at the ends of tandem driveways (i.e. plot 10, plots 40 and 41). This is considered appropriate given the context that these boundaries will be regarded in.

8.72. The parking courts are also well-considered. The parking court to the south-west of the apartment block is kept open and devoid of any unnecessary subdivisions, with a single brick wall flanking the parking spaces to plots 51 and 52. The parking court for plots 6, 7 and 11 is also kept relatively open, although a brick wall will be visible along the court's western edge with plots 4 and 5, and eastern edge to some degree with plots 10 and 11. However, by keeping the parking court relatively open and free of unnecessary subdivisions between spaces, this 'hard edge' with no real softening through planting will result in very limited harm.

Soft landscaping

8.73. The revised landscaping scheme was submitted on 28th April 2022. This takes the new layout into account.

- 8.74. One of the conditions placed on the outline permission by the Inspector was that all species used in the landscaping and planting proposals associated with the development must be native species of UK provenance.
- 8.75. Some of the species do not appear to comply with this requirement (i.e. '*Amelanchier arborea*' trees appear to be native to eastern North America). This can be easily corrected through the submission of a revised landscaping scheme as part of a planning condition. However, the other details on the landscaping drawing are considered to be acceptable, showing a comprehensive range of low-level on-plot shrub planting to frontages to create softer edges, a generous number of trees within the public open space to the north as well as around the attenuation pond and in other strategic locations where they visually break up expanses of hard standing/vehicular parking. The open aspect to the east of the apartment block, onto existing (retained) planting and a reinforced native hedgerow is particularly helpful in softening the backdrop of this rather heavily built-up part of the site.

Conclusions

- 8.76. The boundary treatments shown on the relevant drawing are considered to be sited and finished in accordance with the Council's Design Guide, minimising the use of close boarded fencing, and avoiding the unnecessary subdivision of open spaces at the edges of the development.
- 8.77. A suitable planning condition will be used to secure the submission of a revised soft landscaping plan which avoids the use of non-native species. However, overall, the details shown on the submitted landscaping scheme are felt to be acceptable.

9. FINANCIAL CONSIDERATIONS

- 9.1. The Council is awaiting the submission of a new CIL Additional Information Requirements form so the CIL liability can be accurately calculated. The footprints/floorplans of the dwellings have changed as a result of new plans being submitted, so this form must be submitted and processed prior to the issuing of the decision.
- 9.2. The CIL liability generated by the original submission was just under £700,000. The social housing made up around 36% of the floorspace proposed by the entire development, meaning the social housing relief available to the applicant is in the region of £250,000, leaving a total liability of £450,000.
- 9.3. These figures will be accurately recalculated once the amended form is received, and the social housing relief granted.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of developing this site was established by a Planning Inspector who overturned the Council's decision and granted outline permission will all matters reserved (except for access). This decision was made on 19th April 2021.
- 10.2. As part of the outline submission, in addition to the principle of residential development in this location, various technical matters relating to highway safety, drainage, flood risk, ecology/biodiversity, landscape and heritage impacts were all assessed, along with pollution control, contaminated land and the impact on local infrastructure, and delivery of affordable housing.

- 10.3. This application seeks to approve the reserved matters, specifically layout, scale, appearance and landscaping, and also have the internal roadways/pathways etc agreed too.
- 10.4. These matters have been looked at individually throughout this report, and where necessary broken down into smaller sub-issues (such as housing mix, materials, house types etc).
- 10.5. Officers acknowledge that, at the time of writing the report, a number of consultees have yet to respond to the revised scheme. However, having regard for comments previously offered by these consultees, and noting that a lot of the concerns were relating to the design and layout and were raised by Officers, it is considered that the scheme now before the Council represents a substantial improvement over what was originally submitted, particularly in respect of layout and house types.
- 10.6. There are matters that still require resolving, such as the soft landscaping. There might be a need for further conditions if (for example) these are specifically recommended by certain consultees (like the Crime Prevention Design Advisor). There will also be a need to control many elements of the scheme using further planning conditions (architectural detailing, material samples etc).
- 10.7. However, having considered all relevant matters pertinent to this reserved-matters application, Officers are satisfied that the scheme can be recommended for approval.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:

- **ANY FURTHER CONCERNS, COMMENTS OR OBJECTIONS RAISED BY CONSULTEES OR THIRD PARTIES BEING NOTED AND, IF NECESSARY, ADDRESSED EITHER THROUGH AMENDMENTS TO THE SCHEME OR THROUGH ADDITIONAL CONDITIONS TO BE AGREED AND SUBMITTED PRIOR TO THE ISSUING OF THE DECISION.**
- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY).**

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Compliance with Plans

1. 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:
 - N1677 001a Site Location Plan received 27th October 2021
 - N1677 008j Planning Layout received 4th May 2022
 - N1677 300c Site Sections received 19th April 2022
 - N1677 400d Affordable Housing Plan received 4th May 2022
 - N1677 401d Building Regs Cat Plan received 4th May 2022

- N1677 600f Materials Plan received 4th May 2022
- N1677 700e Boundary Treatments Plan received 4th May 2022
- G1611 Landscape Management Plan Issue 2 received 14th October 2021
[Appendix A SUPERSEDED]

The following house types contained within document 'n1677_Middleton Cheney House Types_2022 04 19.pdf' received 19th April 2022:

- N1677 100-01a Bungalow 1 Elevations
- N1677 100-01a Bungalow 1 Floorplans
- N1677 100-00 1-bedroom Maisonette Elevations and Floorplans
- N1677 100-00a Kingbury AS [Brick] Elevations and Floorplans
- N1677 100-00a Kingbury OP [Brick] Elevations and Floorplans
- N1677 100-00b Kingbury AS [Stone] Elevations and Floorplans
- N1677 100-00b Kingbury OP [Stone] Elevations and Floorplans
- N1677 100-00a Kingbury AS [Stone frontage] Elevations and Floorplans
- N1677 100-00a Kingbury OP [Stone frontage] Elevations and Floorplans
- N1677 100-00a Shipley AS [Brick] Elevations and Floorplans
- N1677 100-00a Shipley OP [Brick] Elevations and Floorplans
- N1677 100-00a Shipley AS [Stone] Elevations and Floorplans
- N1677 100-00a Shipley OP [Stone] Elevations and Floorplans
- N1677 100-01a Abington AS [Brick] Elevations
- N1677 100-02a Abington AS [Brick] Floorplans
- N1677 100-01b Bungalow 2 [Stone frontage] Elevations
- N1677 100-02a Bungalow 2 [Stone frontage] Floorplans
- N1677 100-00 Rockingham AS [Brick] Elevations and Floorplans
- N1677 100-00 Rockingham OP [Brick] Elevations and Floorplans
- N1677 100-01a Warwick AS [Brick] Elevations
- N1677 100-02a Warwick AS [Brick] Floorplans
- N1677 100-01a Warwick OP [Stone] Elevations
- N1677 100-02a Warwick OP [Stone] Floorplans
- N1677 100-01b Humberstone AS [Stone] Elevations
- N1677 100-02a Humberstone AS [Stone] Floorplans
- N1677 100-01b Humberstone OP [Stone] Elevations
- N1677 100-02b Humberstone OP [Stone] Floorplans
- N1677 100-01a Richmond AS [Brick] Elevations
- N1677 100-01a Richmond AS [Stone] Elevations
- N1677 100-02 Richmond AS [Brick/Stone] Floorplans
- N1677 100-01b Sandringham OP [Brick] Elevations
- N1677 100-02b Sandringham OP [Brick] Floorplans
- N1677 100-01a Salcey AS [Stone frontage] Elevations
- N1677 100-01a Salcey AS [Stone] Elevations
- N1677 100-02a Salcey AS [Stone & Stone frontage] Floorplans
- N1677 100-01 Welland OP [Stone] Elevations
- N1677 100-01 Welland OP [Stone frontage] Elevations
- N1677 100-02 Welland OP [Stone & Stone frontage] Floorplans
- N1677 100-01a Oakwell AS [Stone] Elevations
- N1677 100-02a Oakwell AS [Stone] Floorplans
- N1677 100-01a Oakwell OP [Stone] Elevations

- N1677 100-02a Oakwell OP [Stone] Floorplans
- N1677 100-01a Earlswood AS [Stone] Elevations
- N1677 100-02a Earlswood AS [Stone] Elevations
- N1677 100-01b 1B2P Apartments [Stone & Brick] Elevations
- N1677 100-01-01 1B2P Apartments [Stone & Brick] Floorplans [Ground/First]
- N1677 100-01-02a 1B2P Apartments [Stone & Brick] Floorplans [Second]

And the following garage types contained within the 'Garage Pack' document received 4th May 2022:

- N1677 100/SG1-01 Single Garage (SG1) Brick
- N1677 100/DG1-01 Rev A Double Garage (DG1) Brick [two singles joined]
- N1677 100/DG2-01 Rev A Double Garage (DG1) Brick [one double]

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 WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

2. No dwelling shall be constructed above slab level until full elevational details of a typical brick boundary wall and typical stone boundary wall (including how they respond to changes in ground level where applicable) have been submitted to and approved in writing by the Local Planning Authority. These details shall include how the walls will be capped, and also include details on coursing/mortar work if finished in natural ironstone. Such means of enclosure shall be erected prior to the first occupation of those dwellings.

Reason : To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy SS2 of the South Northamptonshire Part 2 Local Plan. 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:

3. No dwelling shall be constructed above slab level until details of the external lighting (street lighting and any lighting to private drives/shared driveways, parking courts and public open space), including the design, position, orientation and any screening of the lighting, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

4. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwellings, including the windows, doors, cills, heads/lintels, door surrounds, chimneys, porches, bays, any dormers, eaves and

verge treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

5. The external walls of the dwellings identified on drawing 'N1677 600e Materials Plan' received 19th April 2022 to either be entirely finished in stone or have stone frontages, as well as the boundary treatments proposed in stone on drawing 'N1677 700d Boundary Treatments Plan' received 19th April 2022, shall be constructed in natural weathered ironstone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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 Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

6. The external walls of the dwellings identified on drawing 'N1677 600e Materials Plan' received 19th April 2022 to be finished in brick and the boundary treatments identified on drawing 'N1677 700d Boundary Treatments Plan' received 19th April 2022 as being finished in brick shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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 Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Samples of the roofing materials (including ridge tiles) to be used in the covering of the roofs of all dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the 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 Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework

8. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of all dwellings (including the apartment block) shall be submitted to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

9. Prior to the construction of any building above slab level, details of the proposed materials for the surfacing of the parking courts, private drives, driveways and shared manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason : In the interests of highway safety and visual amenity and to comply with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

10. Should any handrails be required to facilitate pedestrian access to any building hereby permitted (to accord with the Building Regulations), details of the location, height, design and material of the handrail(s) should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. The handrails shall thereafter be carried out in accordance with the details hereby approved.

Reason: In the interests of visual amenity and to accord with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

11. The site shall be landscaped in accordance with a revised landscaping scheme, based upon drawing GL1611 01B Soft Landscape Proposals received 28th April 2022, but which only refers to species that are native to the UK as required by condition 8 on the outline permission (S/2020/0441/MAO) unless an alternative scheme is submitted prior to the development progressing above slab level or such alternative time frame as agreed by the developer and the Local Planning Authority. If an alternative scheme for landscaping the site is submitted, this shall include:

- a) details of all proposed tree, shrub and hedgerow planting/reinforcement including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

12. Any landscaping plan approved as part of condition 11 above shall be maintained in accordance with document GI1611 Landscape Management Plan received 19th October 2021 [Appendix A of this management plan will be superseded by the landscaping scheme eventually approved by condition 11] unless, prior to occupation of the development, an alternative schedule of landscape maintenance for a minimum period of 5 years is submitted to and approved in writing by the Local Planning Authority. The alternative schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved alternative schedule unless otherwise approved in writing by the Local Planning Authority.

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 Government guidance contained within the National Planning Policy Framework.

13. The garages/parking spaces/turning areas, including the parking courts, shown on the approved plan(s) shall be constructed, drained, surfaced and completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied and shall not thereafter be used for any purpose other than the garaging parking/turning of private motor vehicles.

Reason : In the interests of highway safety, to ensure the provision of adequate offstreet car parking and to comply with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

14. Prior to first occupation of any dwelling hereby permitted that is accessed via a shared drive, the respective shared drive shall be a minimum width of 4.5m for a distance of at least 10 metres from the highway boundary and the maximum gradient over that distance shall not exceed 1 in 15.

Reason : To ensure that an adequate and safe access is provided to the site in accordance with policy SS2 of the South Northamptonshire Part 2 Local Plan.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

15. 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) and the means of enclosure approved by this application, no gate, fence, wall or other means of enclosure shall be altered, erected, constructed or placed in any position that is forward of the principal elevation (or the flank wall of a dwelling at the junction of two roads or a road and shared private drive) at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain an open character free of visual clutter to the benefit of the character and appearance of the development and rural context of the site, in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

16. 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 any of the following house types 'Bungalow 2', 'Rockingham' and 'Warwick' as identified on drawing 'N1677 008i Planning Layout' received 19th April 2022 shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : To ensure the smaller market housing units remain of a commensurate scale, in order to preserve a suitable housing mix across the site, and to safeguard the amenities of future occupiers in accordance with Policies SS2 and LH10 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

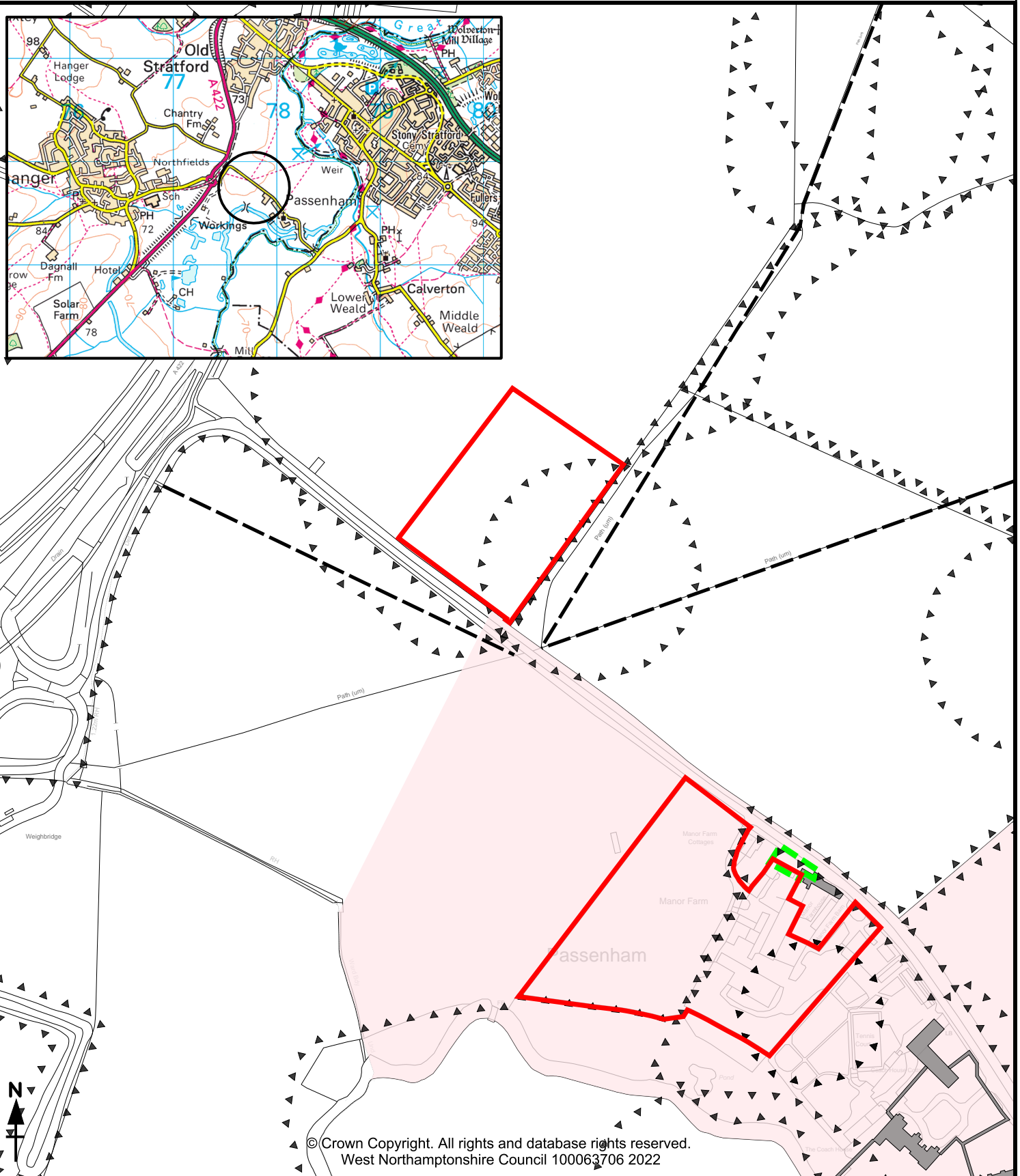
INFORMATIVES:






1. Your attention is drawn to the planning obligation that was entered into in accordance with S106 Town and Country Planning Act 1990 prior to the grant of the respective outline planning permission S/2020/0441/MAO.
2. Your attention is drawn to the need to comply with the conditions imposed on the outline planning permission [Ref No. S/2020/0441/MAO]

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Application Number: WNS/2021/1797/MAF

Parish: Old Stratford CP



Town/Village: Passenham	 Site	 Listed Building
Site Area: 3.2693 Ha	 Conservation Area	 TPO - Group
Grid Location: SP 77773 39717	 Public Right of Way	
Map Scale: 1:3499	 Site of Archaeological Asset	

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Application Number: WNS/2021/1797/MAF

Parish: Old Stratford CP



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Map Scale: 1:3500

Date Flown: 'Latest Available'

 Site

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Application Number: WNS/2021/1797/MAF

Location: Manor Farm Passenham Road Passenham MK19 6DQ

Proposal: The relocation of existing Manor Farm farmyard and conversion of existing buildings at Manor Farm to three dwellings with associated works.

Applicant: The Parks Trust

Agent: Smith Jenkins LTD

Case Officer: Tom Ansell

Ward: Deanshanger

Reason for Referral: Major development (site area & floor space created)

Committee Date: 12 May 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application has two fundamental elements to it...

- Conversion of existing redundant agricultural buildings to three residential dwellings and garaging, including all ancillary/associated landscaping and other works
- Relocation of farmyard to new site 200m north-west of the village, including the erection of two buildings and creation of hardstanding, boundary treatments and associated landscaping

Consultations

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

- Old Stratford Parish Council (no outright objection, but concerns/queries raised), Crime Prevention Design Advisor

The following consultees have raised **no objections (subject to conditions)** or have made **neutral observations** in respect of the application:

- Local Highway Authority, Environment Agency, Environmental Protection, Building Control, Ecology, Tony Kernon [Council's Agricultural Consultant]

Four comments have been received from neighbouring properties. Two offer objections to one or both elements of the scheme, one offers support and the other is supportive of the principle but has concerns over various matters that are not planning related (i.e. boundary positioning/land ownership).

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
- Visual impact of the development, including impact on appearance/setting of conservation area and listed buildings
- Residential amenity
- Highway safety
- Ecology
- Other matters (security)

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 in this instance consists of two separate locations. The first is an existing farmyard located to the south-west of Passenham Road and Manor Farmhouse and Manor Farm Barn, containing a number of buildings in various states of disrepair/disuse. The farmyard remains in use for housing cattle, as observed on visits to the site. Relative to the hamlet of Passenham, the farmyard sits in the north-western corner, within the conservation area.

1.2 The second site is around 200m to the north-west of the existing settlements built limits, and is around 1.1ha in size. It is a relatively small portion of a larger field used for agriculture, with an existing field boundary to the south-east, and two public rights of way converging to the immediate south-east. It lies just outside the conservation area boundary on the north-eastern side of Passenham Road.

1.3 Passenham is a hamlet that has no settlement confines, and is thus regarded as being entirely in open countryside. It is surrounded by a typically agrarian landscape. It is overwhelmingly rural in character, with a significant number of the buildings being of historic significance and traditional in design, appearance and finish.

2. CONSTRAINTS

2.1. The application sites are both within open countryside as discussed above. Furthermore, the existing farmyard sits within the conservation area, in close proximity to listed

buildings, and within archaeological asset sites. The land around the site identified for the new farmyard is also identified as being archaeologically sensitive. Flood zones 2 and 3 cover the very southern edges of the farmyard, although all existing and proposed development lie well outside of this, in flood zone 1.

2.2. Public footpaths run south-west/north-east immediately east of the site, although the proposed farmyard in the presently undeveloped field will not impact these.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The development seeks to convert three of the more solidly constructed buildings within the existing farmyard to residential dwellings, and remove all other buildings that are not necessary. Barn B, a slightly more functional and modern building, would become a contemporary, rectangular dwelling over two floors. Barn C would become a Z-shaped single storey dwelling formed from mainly traditional elements. Barn D will be become a modest three-bedroom unit with a new pitched roof, formed from a brick stable block. A further barn (Barn A) would be reused for undercover parking and storage.

3.2. Intrinsically linked to this redevelopment of the existing farmyard is the intended relocation of the farm's 'base' to a new yard around 200m north-west of the village, on the north-eastern side of Passenham Road.

3.3. A substantial building well exceeding 1000sqm will provide a single, undercover facility for keeping and managing livestock (cattle), with a central walkway provided to maximise efficiency of use and also provide a safe vantage point to those visiting the site in an educational capacity (i.e. with a school). A further building will be provided containing straw for the cattle, with a very modest lean-to ancillary educational office/study room attached. The new farmyard will be around 1.1ha in size, bordered by post and rail fencing, with access points maintained into the surrounding field.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2017/0522/FUL	Conversion existing farm buildings to four dwellings	Appeal dismissed against refusal
S/2019/1645/AGD	Prior determination for erection of agricultural storage building	Planning permission required
S/2020/0014/AGD	Prior determination for erection of agricultural storage building	Planning permission required

4.2 Application S/2017/0522/FUL was refused by the Council, appealed by The Parks Trust (the current applicants) and the appeal was subsequently dismissed. The scheme proposed the conversion of all buildings on site, including the Dutch barns, as well as the construction of garages to serve three of the dwellings. One of the buildings was also proposed to be extended.

4.3 The Council refused permission for three reasons that are bullet pointed below:

1. Insufficient information to demonstrate that the existing buildings were capable of conversion, contrary to adopted policy and Supplementary Planning Documents
 2. Poor design and detailing (i.e. fenestration) failing to sustain or enhance the character and appearance of the farmyard grouping/conservation area
 3. Absence of an Ecological Survey preventing the Council from assessing the impact of the development on protected species
- 4.4 The third reason for refusing was addressed by the applicants through the submission of relevant information. The Inspector assessed the other reasons, and concluded that the scheme failed to propose appropriate conversions to existing buildings, included works that resulted in ‘domestic rather than agricultural’ character, and failed to accord with policy R1 by proposing an unsuitable mix of accommodation types that ‘did not meet the needs of all sectors of the community’. While the Inspector recognised some benefits of the scheme, they ultimately concluded that these were not outweighed by the harm caused to the significance of the conservation area.
- 4.5 The Inspector subsequently dismissed the appeal.

Pre-application advice

- 4.6 Advice has been sought under reference P/2020/0316/PRM for the conversion of the buildings in the farmyard into residential accommodation, and the relocation of the farmyard to a new location north-west of the village. It was accompanied by an agricultural appraisal document.
- 4.7 Officers considered the information submitted and offered the following conclusions on the principle of development:

‘The proposals for relocating the farmyard and converting Manor Farm, which will come in as a joint single application, are both supportable in principle. There are rational planning reasons for the farmyard moving away from the built form of the village into a more prominent location, and while there are some small notable conflicts with adopted policies, particularly around permitting three new dwellings in a less sustainable location, these are outweighed by the potential benefits to be gained through using a high-quality and sensitively treated residential scheme to enhance this part of Passenham while bolstering the Council’s housing supply.

Furthermore, in line with the encouragement found in the NPPF (Section 6), I afford weight to the need to support the continued viable operation of an existing agricultural enterprise by permitting its relocation (while also allowing it to provide educational enrichment to the benefit of the local community).’

- 4.8 Officers also recommended some design tweaks in respect of the barn conversions, and recommended robust landscaping works were included with any submission relating to the new farmyard.
- 4.9 While it might be argued that the Council’s position as outlined in the pre-application differs quite significantly from that taken in 2017 (and supported at appeal), the full justification for this position will be set out in the sections of the report below.

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
- S10 – Sustainable Development Principles
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- R1 – Spatial Strategy for the Rural Areas
- R2 – Rural Economy

South Northamptonshire Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development Principles
- LH1 – Residential Development Inside and Outside Settlement Confines
- LH4 – Single Dwellings in the Open Countryside
- EMP3 – New Employment Development
- EMP4 – The Visitor Economy
- EMP6 – Farm Diversification
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- 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)
- Supplementary Planning Guidance
- Design Guide
- Parking Standards and Design

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
Old Stratford Parish Council		Concerns over development being contrary to policies covering open countryside development and highway safety. Concerns also raised in respect of how farm waste/slurry will be managed and the potential impact on ridge and furrow near the development site.
Local Highway Authority		No outstanding objections or concerns in respect of either the conversion scheme or the farmyard scheme, subject to conditions being imposed relating to standard issues as well as a CEMP to control the construction of the bund around the outside of the farmyard. The off-site measures proposed by the Transport Statement are considered to be acceptable in principle. The LHA advises that a S782 agreement will be required for carriageway widening and installation of passing bays.
Crime Prevention Design Advisor		Concerns over absence of security detail for new farmyard building, given potential for theft of farm machinery. No capable guardianship over the site. Details of security measures requested in respect of new farmyard. Concerns over absence of active surveillance towards new dwellings, and potential for unauthorised vehicular access to be achieved.
Environment Agency		No comments to make.
Environmental Protection		Conditions requested concerning... <ul style="list-style-type: none"> • Noise (pre-occupation, new residential units) • Construction Management Plan (pre-commencement) • Contaminated Land (precommencement due to trigger points) • EV charging infrastructure

Building Control		No objections, all rain water to soakaway, fire vehicle access to be ascertained.
Bedford Group of Internal Drainage		Outside of the board's district – no comment to make.
Ecology Officer		Conditions requested... <ul style="list-style-type: none"> • Comply with Preliminary Ecological Appraisal • Revised survey if development not commenced by 1st June 2023
		<ul style="list-style-type: none"> • Detail of a bat and bird box scheme to be submitted
Health and Safety Executive		No comments to make as outside current consultation zone/protocol etc.
Tony Kernon – Kernon Countryside Consultants [on behalf of Council]		<p>Bullet points from conclusion:</p> <ul style="list-style-type: none"> • From the evidence and photographs, it appears that the existing buildings are no longer suited to modern cattle, straw, sheep or machinery uses on a large scale. Replacement seems to be reasonably required, therefore. • From the evidence provided the new buildings appear to be reasonably required and designed for cattle housing and straw storage. • The toilet block and office appear to relate to proposed educational visits rather than agricultural uses. • I am not convinced that such an extensive area of hardstanding is required, however. • The relocation of cattle buildings away from the small settlement would appear to be sensible, to separate cattle from noise and smell sensitive receptors.

7. RESPONSE TO PUBLICITY

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

- 7.1. There have been four responses to the application at the time of writing. One of these offers support, although does not justify this support. One does not object in principle but raises a number of questions that relate to the accuracy of the drawings in how they represent boundaries/land ownership, the final boundary treatments proposed as they

relate to the garden/boundary of the dwelling, as well as why land is being shown as gifted to a specific property. The other two are more clearly objections, with one of them explicitly stating this, although it is anonymous inasmuch that an address has not been provided. Nonetheless, the reasons for the objections are summarised below...

- Passenham has been preserved in its historic format with no new buildings constructed, and is considered to be a rare example in terms of land use and visible form of how hamlets and small villages used to be.
- Retaining and restoring the existing farmyard would have maintained the historical pattern of the hamlet.
- Proposing a new building to the north-eastern side of the lane intrudes on the view from all properties on the south-western side of the lane.
- Passenham Road is not constructed for heavy goods traffic, is insufficiently in width, is part of the national cycle network and is used by those walking to and from Elizabeth Woodville school and the development would result in risk of danger to users.
- Risk of loss of ecological habitats (hedgerows), flooding through covering of permeable surfaces, loss of archaeological assets, smells and odours from livestock.

8. APPRAISAL

Principle of Development

8.1. Both of the sites are in open countryside as defined by policy SS1 of the LPP2, given that Passenham does not have any settlement confines.

Policy – residential development

8.2. Policy LH1(2.) seeks to limit new residential development outside of settlement confines unless it complies with a number of exceptions. Exception (d) refers to 'a single dwelling in accordance with policy LH4'.

8.3. Policy LH4(1.a.) supports the re-use of a redundant or disused permanent building providing the proposal...

- Does not involve a building in such a state of dereliction or disrepair that it would require complete demolition and re-building (i); and
- Does not result in the requirement for another building to fulfil the function of the building being converted (ii); and
- The development enhances its immediate setting (iii)

This approach is consistent with the exceptions listed in Paragraph 80 of the NPPF.

8.4. Policy R1 of the LPP1 places small settlements and hamlets at the bottom of the development hierarchy, but does advise that '*development outside the existing confines will be permitted where it involves the re-use of buildings*' and offers support to residential development that results '*in environmental improvements on a site*' such as '*the re-use of previously developed land*'.

Policy – relocated farmyard

- 8.5. The LPP2 is relatively silent on new agricultural development, although the onus generally remains on the applicant to demonstrate an essential need (as per the requirements of Class A of Part 6 of the GDPO). The amount of evidence and justification needed to support any scheme is generally commensurate to the scale of the proposal. In this instance, the creation of an entirely new farmyard from scratch in a previously undeveloped location requires very robust justification, provided in this instance as an agricultural appraisal prepared by Landscape.
- 8.6. Moving back to relevant policies, looking at the LPP2, relocating or safeguarding existing employment which is created or provided through an agricultural enterprise based in the open countryside could be considered to comply with elements of policy EMP3(2.), in that it can only operate in an open countryside location (2.a.iii).
- 8.7. The proposal in question involves a modest educational element; the cattle building is being designed to make it safer for visiting school children to be escorted through, and a modest lean-to is being added to the straw storage building to create basic classroom/WC facilities. While this isn't strictly 'tourism' in compliance with EMP4, I afford some positive weight to the benefits of providing an ancillary educational element. Policy EMP4(2.) 'The Visitor Economy' supports development outside of settlement confines where the location is essential to the business (a), it does not affect the vitality or viability of nearby settlements (b) and complements existing service and facility provision in the neighbouring settlements and surrounding area (c).
- 8.8. Policy EMP6 considers 'farm diversification'; while the educational aspect isn't intended to diversify the income of the farming enterprise, this policy is generally supportive of schemes that do not prejudice the on-going viable operation of the agricultural use and that respect the character of the surrounding area with regards to design, scale and siting etc.
- 8.9. Policy R2 of the LPP1 includes provision for farm diversification too (R2(b)), but more pertinently offers general support for *'the use of land for agriculture, forestry and equestrian activity'* (R2(g)).
- 8.10. Finally, Section 6 of the NPPF 'Building a strong competitive economy' requires Councils to enable 'the sustainable growth and expansion of all types of business in the rural areas, both through conversion of existing buildings and well-designed new buildings' (Para 83(a)). Para 84 goes on to advise Councils that the needs of local businesses and communities might only be accommodated on sites 'adjacent to or beyond existing settlements, and in locations that are not well served by public transport'.

Assessment

- 8.11. The two schemes before the Council are intrinsically linked; the regeneration of the existing farmyard necessitates the creation of the new one, and Officers have been advised it will assist in funding the new farmyard too (although it is not proposed or being assessed as enabling development).
- 8.12. Given the above, Officers will assess the creation of the new farmyard first.

Relocated farmyard

- 8.13. The conversion and 'loss' of buildings in the existing farmyard to a residential use could be seen to be unnecessarily manufacturing a need for a new farmyard situated out of the village. However, it is argued by the applicants (via agents) that the existing buildings are not capable of meeting the existing needs of the farmer.
- 8.14. Officers note that this is alluded to in the agricultural appraisal in paragraph 3.2:
- 'Some of the older buildings on site (still of a utilitarian design) were more likely constructed 50+years ago and the cost of repairs would be prohibitive. In particular the large 'dutch barn' has now outlived its usefulness having been designed and built for 1930's era agriculture. The use of 'big bales' requiring mechanised handling and storage means that building heights are important and the move to better ventilation to reduce the incidence of pneumonia in young stock mean that traditional courtyard style buildings are no longer appropriate for large scale modern agriculture.'*
- 8.15. The feasibility study alluded to by the appraisal suggests that a new purpose-built site would be the best outcome for the farmer, and on this point, Officers can see the merits of the argument. The existing site contains buildings which are very unlikely to ever be reutilised for the purposes of more intense, modern agriculture for the reasons given.
- 8.16. This is a position that is reinforced by the conclusions reached by Tony Kernon, the agricultural consultant who has appraised the submitted justification statement and evidence on behalf of the Council. He submits that the existing buildings *'are no longer suited to modern cattle, straw, sheep or machinery uses on a large scale'*. He concludes that *'replacement seems to be reasonably required'*.
- 8.17. In respect of relocating the farmyard, Mr Kernon notes that the statements justifying the relocation of the farmyard do not appear to be *'supported by evidence of complaints or other documented problems'*. However, he advises that he would normally recommend positioning large livestock buildings away from neighbours, and to this end, the relocation seems *'logical'*.
- 8.18. On this point, Officers note the local respondent's view that those who live in Passenham all post-date the farm and its operations in this location and have learned 'to live' with the disruption/noise/smells etc a working farmyard creates. Officers have no reason to doubt this, and it seems logical that those moving into new dwellings in the immediate vicinity do so on the understanding that the farmyard remains in use (albeit at a limited capacity due to the condition of the buildings).
- 8.19. However, it remains the case that the power lies with residents who live close to the site, even those who have very recently moved into the area. If a complaint was received that resulted in the Council's Environmental Health team concluding that a statutory nuisance was being caused, the farming operations at the site could be jeopardised by significant restrictions the Council has the power to impose.
- 8.20. The site chosen for the new farmyard is over 200m away from the village and nearest non-ancillary sensitive receptors (although it is still well within the 400m limit placed upon livestock buildings by Class A, Part 6 of the GDPO). While it will result in creating an entirely new farmyard within a presently undeveloped field, introducing two substantial buildings where there is presently no built form at all, it is not altogether unusual to find this particular arrangement of farmyard and nearby hamlet within the district (i.e. see

locations along Banbury Road near Litchborough or Astwell Park Farm near Helmdon/Wappenham).

- 8.21. The scope and scale of the farmyard and its visual impact will be assessed in subsequent sections. However, Mr Kernon concludes that the buildings '*appear suitable for the enterprise described in the agent's response of 25th April 2022*' (a copy of this is enclosed in Mr Kernon's comments which can be seen on the Councils Planning register). Furthermore, it is now known that the farming enterprise will continue to use other farmyards for holding the remainder of the livestock. This has allayed initial concerns aired by Mr Kernon, who now concludes that the buildings both '*appear functional and therefore able to meet the needs of cattle and straw storage*'.
- 8.22. With regards to the educational element, Officers have maintained the viewpoint that the Council is **not** seeking to approve a new educational facility with ancillary agricultural elements which are purely for the purpose of providing education, but an agricultural facility which can incidentally be used as an educational mechanism during the course of its natural operation. The scale of the study room as submitted on the drawings is felt to be wholly commensurate to a modest, ancillary facility that will allow the site to be used for purely ancillary educational purposes. The design of the cattle shed will also help this, with its large central 'viewing' area that is safely removed from the animals.
- 8.23. One point that Mr Kernon has raised is the scale of the external yard surrounding the building. He notes the significant area of hardstanding, and acknowledges that some will inevitably be required for storing silage bales, but '*the area is seemingly greater than is required*'. The agent has submitted that this area is necessary as there is a need to safely store bagged silage and baled straw, as well as allowing the safe movements of tractors, trailers and lorries needed to service the farm, without obstructing free access to both sides of the building and the handling of livestock.
- 8.24. Officers tend to agree that the size of the external yard initially appears excessive. However, it is also noted that a landscaping bund and boundary treatments are proposed to 'cap' the extent of hardstanding, and limit the 'spread' of the new farmyard into untouched countryside around it. Officers are inclined to consider that there might be a need in the future for further building(s) within the yard to provide further livestock or hay storage for the enterprise (if the nature of the business changes). The farmyard's scale as proposed would allow this to happen in a logical way, without causing further encroachment beyond what will become a well-defined edge to the farmyard. Should further encroachment be required, this would require substantial, robust justification, and be fully in the control of the Council.
- 8.25. Furthermore, the Council will be able to control the layout and treatment of the farmyard using planning conditions, as well as the construction and planting (and future maintenance) of the bund.
- 8.26. Officers are satisfied that, on the basis of Mr Kernon's appraisal, that there is a reasonable need for new buildings to service the farming enterprise, and that relocating the existing farmyard to a new, bespoke site just outside the village is a logical way to approach this.
- 8.27. While this results unavoidably in a degree of visual harm (assessed later in the report), the site chosen is felt nonetheless to be appropriate and logical given its relationship with land used by the farmer, and the nature of the agricultural enterprise (i.e. cattle farming). The agreed need for new buildings to allow the enterprise to continue operating, along with the evidential unsuitability of the current buildings, together with the subsequent

economic benefits of providing the facility are felt to weigh against the harm identified in an exercise of planning balance, and thus the Council can offer its support to the principle of this element.

Residential conversions

- 8.28. The Council has accepted that the existing buildings are unlikely to be utilised for agricultural purposes, and can therefore be considered redundant. Therefore, it is logical to consider how they might be reused. The yard contains a diverse range of buildings; a Dutch barn (Barn A), a larger barn of more modern construction (featuring brickwork and cladding – Barn B), a more traditional Z-shaped barn formed from both brick and stone sections (Barn C), and a very modest building with a mono-pitched roof, adjacent to Manor Farm Cottages (Barn D).
- 8.29. The buildings are in a mixed state of repair, and it is evident that, in some respects, the amount of work needed to facilitate residential conversions of these buildings will be quite significant. Photographs taken by Officers recently show that there will be a need for more than just localised repairing and rebuilding in some cases.
- 8.30. Officers note that the first criteria of LH4(1.a.) requires the building to not be in such a state of dereliction or disrepair that it would require *‘complete demolition and re-building’*. This test is notably less onerous than the one which would have been applied to historic applications, such as the 2017 scheme which was refused.
- 8.31. The 2017 scheme was supported by a structural survey undertaken by Andrew Howard and Partners. It is dated 11th January 2017. It appraises five buildings in total, although the scheme before the Council today only seeks to convert three of these to residential units (Building 2, what is described as Building 3a, and part of Building 4).
- 8.32. The structural survey considers each building in turn. It finds that the buildings are structurally in positions that could facilitate conversions with some repair work.
- Building 2 is considered to be in ‘fair’ condition, have steelwork that is reusable and a roof structure that can withstand (lightweight) slates without the need for additional strengthening to existing structural steelwork.
 - Building 3a (the traditional, stone building) was felt to be *‘readily’* able to convert to residential accommodation, with a roofing structure in *‘good structural condition’* with *‘very few signs of deterioration’*. There was no evidence of structural weakness in the stone and brick walls, with the structural condition described at the time as *‘good’*.
 - Building 4 is described as being a brick-built stable block, where the 215mm thick brickwork appeared *‘relatively recently’* constructed, and in good structural condition. The report concludes that the steel building attached to Building 4 needed more work to be convert-able, but this is now irrelevant as it is being removed as part of the current scheme.
- 8.33. As this survey is now five years old (and recommended that certain works were carried out within the next five years), an addendum to this report has been provided from David Smith Associates, dated 30th March 2022. They confirm that they visited the site on 28th March 2022, although were not able to inspect all parts of the structure.
- 8.34. The visual inspection carried out by David Smith Associates confirms that *‘while general maintenance is required to ensure the building’s performance, [they did]*

not have any significant comments to add to Andrew Howard & Partners' report dated 11th January 2017 and, therefore, confirm its findings and conclusions are acceptable for your present use'.

- 8.35. Officers have also visited the site and have inspected the buildings closely on site. A more detailed description and assessment of each barn is provided below, for clarity:

Barn A

- 8.36. Barn A is a very long Dutch barn. It is entirely open fronted from ground to eaves, and has been historically extended at the rear using a lean-to. This lean-to is to be demolished as part of the proposal.
- 8.37. Barn A is of very simply construction, effectively formed from a number of metal vertical support poles underneath a simple curved metal-clad roof. The intention is to leave the metal posts exposed, and to replace the roof with similar metal sheeting or standing seam. Vertical cladding will be added at first-floor level around the building (including on the gables). Four of the 10 bays will be infilled with blockwork at ground floor level, too (and so will the gables). The remaining six bays will be completely open (front and back) and retained for vehicle parking, with two spaces provided per dwelling. An internal floor will be added to provide storage space for each residential unit above the garaging.
- 8.38. The building isn't going to become permanently inhabited, and so the scope of works required to facilitate its intended use will not need to be as significant. Its use for undercover parking and as domestic storage (including cycles and refuse bins) is felt to

be a benefit to the scheme, as it reduces the risk of future occupiers seeking permission for garages, sheds and other domestic buildings that will ultimately harm the setting and appearance of the site.

- 8.39. Furthermore, the building's character, with the exception of the narrow openings on its principal elevation, remains largely agricultural, assisted mainly by keeping the majority of the ground floor bays open.
- 8.40. While the works proposed to this building are nonetheless quite significant – new roof, new walling, first-floor internally – it is not felt to undermine the spirit of policy LH4(1.a.) or conflict with its wording, and providing these facilities utilising existing built form within the site is much preferred to proposing new build garaging and other domestic storage buildings within the site.

Barn B

- 8.41. Barn B is a large, rectangular building presently used for housing cattle. It is of relatively simple construction, featuring a metal frame clad partly in corrugated metal and partly in blockwork, which itself is clad by imperial bricks mainly red in colour although with plenty of variation. The metal frame rests on brick support columns, and the majority of the main walling is in brick too. While its form is not strictly traditional, the use of imperial bricks and the type of bonding used suggests that this building does have some age attached to it.
- 8.42. Barn B is of more robust construction than Barn A, with lots of opportunities for existing openings to be used to provide lighting internally. The plans intend to

retain the facing brickwork and use a matching brick where any partial rebuilding is required. The floor plan shows development over two levels, providing four bedrooms in total, with an enclosed first floor on one side and a floating mezzanine on the other.

- 8.43. It is clear that a reasonable amount of localise repair and rebuilding are required to the existing walls, as well as an entirely new gable in one elevation which will be infilled while continuing the limited mix of large, simple glazing panels, brickwork and timber cladding. The roof will be replaced, to match the proposed roof on the Dutch barn (metal or standing seam).
- 8.44. However, there is enough building of substance here to provide more than an ample starting point for conversion, avoiding a situation whereby there is minimal contribution by the original fabric. The walling is in good condition and should not require completely removing, and the solid steel structure remains as the framework. Converting Barn B complies with LH4(1.a.) of the LPP2.

Barn C

- 8.45. Barn C is the most traditional of the buildings to be converted, finished mainly in local limestone under a slate roof. It is a Z-shaped building, with a steeply pitched roof, with one section being open on two sides.
- 8.46. The walling isn't entirely stone; on the south-east elevation it is a yellow brick over stone. However, the walls all generally look to be in good condition, with the stonework and brickwork requiring localised repointing and, in a couple of places, possibly replacement. The central wing of the building has experienced some issues with the roof in recent times, as the slates have collapsed into the building. The roof structure internally does not look capable of supporting slates of the sort put on it (the slates look reasonably 'new' or recently added), and so the replacement of at least some of the roof structure must be considered as part of reusing this building. This work should not affect the existing walling in any way, are not felt to undermine the principles of policy LH4(1.a.), given that the rest of the building should remain standing while this happens.
- 8.47. Of the four buildings Barn C is felt to have the most architectural merit, and when other buildings have been removed from around Barn C and it has been repointed and reroofed, it is likely that it will enhance the setting and appearance of the site, particularly as limited new openings are proposed, thus retaining (and revealing) more of its character.

Barn D

- 8.48. Barn D is a modest stable building, shallow front to back, finished in a similar brickwork to Barn B (imperial sized with specific bonding). It has a mono-pitched roof clad in corrugated metal at present.
- 8.49. Barn D is in good, solid condition with little evidence of its walling requiring repair, repointing or replacement. Its roof is regrettable, and as such it is proposed to replace it with a pitched roof, covered in slate. This will fundamentally enhance its setting and character (as linear stable blocks in brick and slate are common traditional buildings within the district's more historically sensitive areas).

8.50. The conversion proposes little alteration to its external appearance, other than the removal of a larger unsympathetic building to its north and the formation of a pitched roof. Existing openings are retained and reused, thus ensuring its conversion complies with the requirements of policy LH4(1.a.).

Conclusions on Barns A - D

8.51. Overall, it might be argued that the balance of rebuilding vs conversion is quite evenly split with this scheme. Barn A clearly requires quite a significant amount of new 'in fill' walling and a first floor inserted to perform its function; however, its function is not going to be that of a habitable dwelling, and it will instead provide critical facilities to each dwellinghouse within the site. Barns B and C require quite a lot of localised rebuilding and repair work, where walls/roofing is required to be replaced more substantially; however, both of these buildings do have robust frameworks supporting substantial wall and roofing structures. Barn D is perhaps in the best condition, but requires a bit of alteration (i.e. the provision of a pitched roof) to ensure its character better accords with its historic surroundings.

8.52. The policy is clear that *complete* demolition and rebuilding is prohibited, and from observations made on site, and on the basis of historic structural survey reports and updated addendums that confirm the buildings remain in a similar condition today, Officers are satisfied that the buildings can be converted and/or altered to suit their intended uses without their complete demolition and rebuilding. Control can be retained over the use of materials where new samples are introduced.

8.53. More importantly, the final criteria of LH4(1.a.) requires the development to '*enhance its immediate setting*'. It is felt that by permitting the sensitive renovation and part-rebuilding of these structures, particularly when combined with the rationalisation of their surroundings in terms of disposal of dilapidated buildings, waste materials, improvement of boundaries with appropriate boundary treatments and contextually appropriate landscaping etc, will ensure the end result is an overall enhancement to the appearance of this part of Passenham.

8.54. Moving onto other matters of principle, policy LH4 permits the creation of single dwellings in the open countryside, in recognition of the fact that the open countryside is generally regarded as a less sustainable location to focus new development. It is also generally considered to be good practice to convert single buildings into single dwellings rather than split them arbitrarily, as this can result in adverse harm to the character and appearance of the building and immediate environs (due to the need for each unit to have a garden etc).

8.55. Therefore, providing three units from three barns is felt to be the most appropriate way to progress development here, and while Barn A is clearly unsuitable for residential inhabitation, utilising its design and configuration to provide each unit with undercover parking and domestic storage above is considered to be very sensible, as it obviates the need for any residential unit to pursue separate garaging or domestic outbuildings in the future (and thus adversely impacting the character and appearance of the site as a whole).

8.56. However, the proposal will unavoidably result in three new dwellings in an open countryside location near to a hamlet with no facilities. While Officers have no reason to doubt the assertions of respondents that the road is used by those walking/cycling to the nearest school in Deanshanger (a 'Primary Service Village'), it is safe to assume that it will be considered necessary by all future

occupiers of the development to use a car for the majority of journeys. A little further afield than Deanshanger is Old Stratford, and then a handful of miles away is Milton Keynes. Car use will be essential to access these settlements.

- 8.57. Officers note the encouragement from the Government via permitted development rights that Councils should support the reuse of redundant buildings in rural areas as a means of bolstering the country's housing supply. While the buildings here do not benefit from such rights (being within a conservation area), it does not change the fact that Councils are generally discouraged from considering the sustainability of a location when looking at the reuse of agricultural buildings, particularly in respect to whether or not it is only accessible by car, and instead encouraged to consider the quality of the highway network immediate around and within the site.
- 8.58. Outside of Passenham, the highway network is excellent in scale and efficiency (the A422/A5 etc). The network within Passenham is a little poorer, although two-way traffic can be maintained for the majority of the highway into the settlement. Also notable is that the existing farmyard generates a degree of traffic related to its agricultural use (as set out in the transport information, assessed later), and it is felt that three residential units will not change the present impact on the immediately local highway network.
- 8.59. Furthermore, while the Council's historic decision (on four units) and the Inspector's subsequent conclusions (particularly in respect of R1) are duly noted, the scheme before the Council today has been submitted under a different policy context.
- 8.60. Policies covering the re-use of redundant buildings are felt to be less onerous and flexible in the LPP2 vs the original Saved Local Plan 1997, and this is afforded considerable weight. Furthermore, the scheme is materially different in that it proposes fewer units, which are not proposed to be extended or modified to provide greater footprints. The Dutch barn is no longer proposed to be used as a dwelling, but to remove the threat of future development (garages/outbuildings), and it also allows the Council to request EV charging infrastructure, which offsets to some degree the harm caused by necessitating additional private car journeys to the nearby settlements, if those vehicles are powered sustainably.
- 8.61. Therefore, to conclude on this element, Officers are satisfied that the scheme before the Council complies with the relevant policies of the LPP2 and, while it does not propose affordable housing and nor does it respond to any demonstrable local demand, the limited conflict with R1 of the LPP1 is outweighed by the visual benefits of resolving and rationalising the current site in a sensitive way, avoiding extensions and new domestic buildings, all while providing three additional units, bolstering the Council's housing supply too.

Principle conclusions

- 8.62. The proposals for relocating the farmyard and converting the existing buildings at Manor Farm are both supportable in principle. There are rational planning reasons for the farmyard moving away from the built form of the village into a new location, and while this location is prominent and will result in some visual harm, and while the three dwellings are being permitted in an arguably less sustainable location, these conflicts are outweighed by the potential benefits to be gained through securing in the future both economic security for the agricultural enterprise and a high-quality and sensitively treated

residential scheme within the current farmyard which should enhance this part of Passenham while bolstering the Council's housing supply.

Visual impact of the development, including impact on appearance/setting of conservation area and listed buildings

Legislative and policy context

8.63. Policy LH1(1.b.) requires new development to avoid causing harm to the character of the area through the loss of both public and private open spaces, including residential gardens.

8.64. Policy SS2 'General Development and Design Principles' contains SS2(b.), which requires new development to...

'...use a design-led approach to demonstrate compatibility and integration with its surroundings and distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details.'

8.65. Policy SS2(m.) requires new development to avoid adversely affecting...

'...built heritage and sites of nature conservation value or sites of geological, geomorphological or archaeological importance.'

8.66. The site sits within Passenham Conservation Area and in reasonably close proximity to a Grade II listed building (Manor Farmhouse). There are also non-listed 'Other Important Buildings' – non-designated heritage assets – nearby which share visibility with the site.

8.67. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.68. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.

8.69. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development*

on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy BN5 of the JCS 2014 echoes this guidance.

8.70. Policy HE5 'Listed Buildings' advises that development within the setting of listed buildings will be permitted where they 'preserve the setting being mindful that the setting may extend beyond the immediate curtilage of the building'. It should also be borne in mind that the setting of a listed building could be the private garden or any private space within the vicinity that shares inter-visibility with it and the site/proposed development.

- 8.71. Policy HE6 'Conservation Areas' requires new development to 'respect the character and appearance of the area in terms of scale, form, massing, design, materials and detailing' (HE6(1.a)).
- 8.72. Policy HE7 'Non-designated Heritage Assets' requires new development to 'respect the character, appearance and setting of the asset in terms of design, materials, form, scale and massing' (HE7(1.)).
- 8.73. Any harm identified to the significance of the assets identified surrounding the site will need to be offset by the public benefits of delivering the proposal (Paragraph 202 of the NPPF).

Assessment – new farmyard

- 8.74. The new farmyard will sit half-opposite the edge of the conservation area, which extends some 240m north-west beyond the built limits of the hamlet. It will arguably impact upon views out of the conservation area from the main road. Views will also be attainable towards the site from the north-west, from the A422, where there is a gap in the boundary landscaping. There are no footpaths here, so views are only really glimpsable from passing vehicles. However, the scale of the new building in particular will make it quite easy to see, albeit at a distance. The view from the north-west will frame the new building and farmyard against the conservation area, thus also affecting (at a lower scale) views towards and into this asset.
- 8.75. The farmyard is over 200m from the nearest dwelling within the hamlet, and further still from the Grade II listed building Manor Farmhouse. Inter-visibility between the site and the listed building is virtually impossible to achieve, even at a distance from the northwest. For this reason, the setting (and significance) of the listed building is not affected by the farmyard or the buildings within.
- 8.76. The new farmyard will create a plot of land exceeding 1ha in size, containing two buildings; a straw store with a lean-to extension situated on the south-western edge flanking the highway (behind a hedgerow) and much larger and more prominent cattle shed building positioned centrally within the plot. The smaller building has a simple pitched roof structure, whereas the larger building is formed from two pitched-roof elements with a flat-roofed central corridor. The buildings are shown in a mixture of brick (lean-to extension), green cladding and (in the case of the large building) concrete panels.
- 8.77. To the north-west of the plot will be a bund to assist with screening of views from the A422, and to the north-east a farmer's fence with two field access gates. The plot borders an existing field boundary to the south-east and will directly flank the main highway to the south-west, where a new commercial vehicle grade access will be created with a significant step back to a security gate with coded access. Around the outside of the plot on all sides except for the north-eastern side where the access into the field is proposed, is a 'landscape screen' formed of tree planting.
- 8.78. The new farmyard will ultimately have an adverse visual impact on the present agrarian landscape in this location. The creation of an engineered hardstanding area around two new buildings, one of which will be substantial in scale, will ultimately disrupt the current undeveloped and untouched rural appearance and character of the site and its environment. It will also result in less than substantial harm to the conservation area by

disrupting present views out of it, which will change from open countryside to new built form.

- 8.79. Officers have previously noted in this report that it is not entirely uncommon to find medium to large farmyard complexes sited in prominent yet seemingly isolated positions within the district, often near larger roads. The buildings proposed, while admittedly 'new' built form, are designed and finished commensurately with their intended functions, and such buildings are commonly seen everywhere within the Council's district in the rural areas. Therefore, the construction of new agricultural buildings in this rural location is not going to result in something wholly incongruous, incompatible or anomalous to the setting.
- 8.80. Officers acknowledge that care needs to be taken not to make it look overly unnatural (i.e. bunds can sometimes appear alien in a landscape that is generally devoid of natural relief). It is felt that utilising conditions to control the eventual landscaping around the perimeter, the construction of the bund, the visual impact of the farm yard surfacing and the materials proposed for the new buildings affords the new farmyard the best chance in cohesively integrating itself into this more isolated rural location.
- 8.81. While the siting of the main cattle shed is considered to sterilise the site to a degree in respect of what further buildings could be cohesively and comfortably integrated into the farmyard in the future, this is not a matter for consideration now, as such proposals would require separate permission as and when they become relevant.
- 8.82. To conclude, the scale, design, siting and finish of the farmyard itself and the buildings proposed within, together with the landscaping, hard surfacing and other works needed, do result in harm, but this harm is felt to be necessary to achieve longer term benefits. The harm is limited by the fact that such development is not incongruous or anomalous to this setting or location, and the scheme proposes buildings of an appropriate design, finish and scale.
- 8.83. The established need for the farmyard to relocate away from the present site into a new bespoke farmyard should be afforded significant weight, and supporting this relocation delivers benefits that weigh in favour of supporting the development, where such weight comfortably balances against the harm identified above.
- 8.84. Fundamentally, ensuring the agricultural enterprise can continue to operate in a more efficient and functional way is consistent with the NPPF's instruction to LPAs that decisions should enable *'the growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'* [emphasis added].

Assessment – residential conversions

- 8.85. Officers have already touched upon the design approach taken for each barn in the 'Principle' section above, where it was necessary to consider the building's capacity to withstand a conversion, and what works are proposed to help facilitate the future residential use. A brief, further assessment of the design of each building is provided below.

Barn A

- 8.86. The older Dutch barn will be the most altered building of the four, with new walls going in at first floor level around the building and at ground floor level in certain places where

enclosed rooms are being created for storage. The design proposed retains the simple functional appearance and finish of the building, with the six open bays at ground floor level ensuring its historic use as a storage building remains legible. The windows are perhaps the only giveaway that the buildings have been more significantly repurposed, and while it is questionable as to whether non-habitable accommodation requires natural daylight, the windows tie well into the vertical cladding through being longer, narrower units (i.e. they are not domestic in design or appearance), and are arranged such as to avoid formality or symmetry.

- 8.87. Barn A is felt to have been sensibly repurposed for vehicular storage/parking and other uses that will only be incidental to the residential occupation of the other buildings within the site.

Barn B

- 8.88. While it does feature some older brick elements, this building isn't really traditional in character or form, with a wider squatter plan, and as such is a little trickier to resolve in design terms. It is noted that existing openings have been utilised where possible, and the use of generally contemporary glazing solutions is welcomed.
- 8.89. Officers note that some modest design changes have been implemented since preapplication advice was issued, slightly simplifying the fenestration by making panes of glass wider/taller and with less framing. The number of rooflights has been reduced from four to two and the use of limestone has been dropped (it doesn't feature anywhere on the building), simplifying the palette of materials.
- 8.90. While there is still perhaps a little strong reliance on symmetry and 'formality' of the opening arrangements on the elevations, the end result is felt to be cohesive and beneficial to the character of the building. The use of a simple palette of materials – brick, timber cladding and metal roofing – will avoid the building appearing overly complicated.
- 8.91. Barn B's finish and design is therefore felt to be acceptable, working with the limited character of the original building (mainly derived from the brickwork) and using appropriately contemporary openings such that the historic functions remain readable following conversion.

Barn C

- 8.92. This is a more traditional agricultural building finished in local stone and brickwork, with a mixture of slate and terracotta roof tiles, although the latter are going to be replaced with slate, so the entire building's roof is finished in the same historically appropriate material. The use of slate across the entire building is considered to represent a modest conservation gain.
- 8.93. Elsewhere, the conversion is sympathetic in respect of the design and appearance of openings. The glazing inserted into the open-fronted section of building will be set behind the pillars, respecting the form of the existing building and allowing this to be the focal point. Five rooflights are proposed over bedrooms that otherwise do not benefit from significant openings within the elevations, and these are arranged informally such as to avoid symmetry.
- 8.94. The conversion of Barn C is felt to be appropriate, keeping the majority of the external materials as they are, changing the roof to unify the entirety of the building, and ensuring

that new openings are avoided where possible, and where they are proposed, they are sympathetic to the building's character.

Barn D

- 8.95. The conversion of this simple brick building is very simple and works very well with the existing openings, proposing five simple full-height windows/doors serving the internal accommodation along one elevation, and then a further one on the gable. Two rooflights are proposed, one over a bathroom and another over the long corridor. The roof is being changed from mono-pitched to a pitched roof, which allows for slate to be introduced as a more contextually appropriate material.
- 8.96. The works proposed here are felt to enhance the building's character and setting, resulting in a successful conversion.

Landscaping – conversion scheme

- 8.97. In the pre-application report, the following advice on landscaping and boundary treatments was imparted:

'At the meeting the importance of appropriate boundary treatments and landscaping were stressed. Boundary treatments for this type of development should ideally all be brick or stone walls, as close-boarded timber fences are much too urban and would be inappropriate in this context. Landscaping could be utilised to soften these harder edges to the gardens. As the gardens are placed somewhat randomly around the buildings, dictated by the orientation of the buildings and the position of openings, there needs to be a balance between keeping amenity spaces private and generously proportioned but also retaining some sense of openness (farmyards are rarely arbitrarily subdivided by walls or fences as this is inefficient for a farmer). This is why, for example, I think keeping the front of Barn A completely open and free of any boundary treatments is really important, as it provides a bit of relief from the large expanse of wall to the side of Barn B's 'Garden 02'). However, more could be taken to improve this, by stepping the wall down to 1.2m in height halfway along the gable to Barn B.'

- 8.98. While details on the boundary treatments is not provided, a landscaping scheme has been, along with a detailed block plan. The latter shows the above advice being adhered to inasmuch that Barn A's frontage remains open with some modest landscaping areas strategically placed to break up the expanse of its elevation. The walls of the barns, including Barn B's, will be suitably softened by a suitably robust landscaping/planting buffer. Such strips of landscaping are generally inadvisable in other locations, such as modern estates, where they are unlikely to be maintained, although the strips proposed in modern estates can be very narrow and insufficient. However, the risk of these strips being ignored and lost is felt to be much lower, given the unique setting and arrangement of the site.
- 8.99. As alluded to above, the gardens are necessarily demarcated using walls rather than fences, and while this does have the effect of subdividing the yard up, this is not wholly to the detriment of the site's character. On site, Officers noted that Barn A was being used to hold cattle, and would have likely historically also been used for storing implements and/or hay. It is logical that it has an open aspect on both sides, therefore.

Barn B was also a holding building for cattle, and as such it would be logical for there to be some form of enclosure/handling pen to be positioned strategically around it. Similarly,

Barn C has an open-fronted element which suggests, historically, it might have been used to house livestock, and as such a smaller holding pen would not be unexpected immediately in front of it. Barn D, as a stables, would likely have been left open and free of boundaries, so the subdivision of this part of the site is a little more regrettable, but does not result in significant harm.

- 8.100. The main surfacing material found within the site is gravel, appropriate in this context, and around Barn A and on either side of the southern access into the site there is grassy/lawned areas. There appear to be some planted beds arranged in a more formal pattern within this latter grassy area, which are not entirely appropriate given the informality of the site, but are used sparingly, with the majority of the site laid to lawn with an informal access track in, more or less as it is arranged now (albeit with less hardstanding).
- 8.101. On the whole the planting around the periphery of the site, including the specimen trees within the proposed native hedgerow on the site's eastern side (demarcating the northern access where there is a much more open aspect to the countryside), is appropriate and in keeping with the rural character and appearance of the site and its surroundings.
- 8.102. Elsewhere, the planting around the base of the barns can be a little more domesticated and ornate, as it is likely that this planting will eventually change or even be switched out for hardstanding or other decorative features.
- 8.103. Overall, the landscaping plan submitted is felt to be acceptable and obviates the requirement for a traditional landscaping condition to be imposed on the development. Instead, wording requiring compliance with the submitted plan, or else the submission of an alternative, will be utilised instead.

Landscaping – new farmyard

- 8.104. A landscaping scheme has also been submitted for the farmyard. This intends to show how the edges of the site will be treated to, over time, provide softening and screening towards the site mainly from the A422 to the north-west.
- 8.105. Around the outer edge of the site, it is intended to plant a native hedgerow. Internally, on the north-western edge, will be a bund containing a mixture of native deciduous woodland planting, woodland understorey mixes and a shallow-rooting native shrub mix. This combination of planting along the substantial north-western edge of the site will, over time, help achieve the desired outcome of softening the development from distant views, thus reducing the visual impact caused by the development.
- 8.106. On the inside of the bund, a line of trees is also proposed. These trees are all native to the district, and will complement the planting described above.
- 8.107. Given the sensitivity of the site and the longer distant views achievable, and as it is considered to be of particular importance that the planting shown on the landscaping scheme properly establishes itself, Officers will increase the usual five-year maintenance period to ten years for this landscaping scheme.

Conclusions

- 8.108. To conclude, the design approach taken with the conversion scheme will result in a high-quality environment that respects the setting of the site and enhances the appearance and character of the buildings. The landscaping proposed will work well with

this, and a boundary treatments plan condition will secure appropriately finished and scaled demarcations of the private amenity spaces.

8.109. The new farmyard will result in some visual harm through the simple encroachment of new built form into as yet untouched open countryside. However, the scheme before the Council would not appear alien or incongruous within this landscape, and despite the scale of the buildings, the design and finish will allow them to sit within the landscape without appearing anomalous. Further landscaping/screening will help soften the impact of the farmyard from distant views from the A422. Ultimately, the visual harm caused by this development is felt to be outweighed by the demonstrable need for the farmyard to secure new buildings and relocate away from the sensitive receptors in the village.

8.110. As such, the development as a whole complies with the policies set out earlier in this section, and in an exercise of planning balance, the significance of the heritage assets (the setting and appearance of the conservation area, the setting of the listed buildings) are adequately preserved and, in the case of the conversion scheme, likely enhanced through the removal of unsightly and redundant modern buildings and the retention of more characterful, historic buildings, subject to further detailing on finish/materials/architectural detailing etc. Where harm is caused to the conservation area (the new farmyard), this harm is outweighed in a planning balance exercise as required by Paragraph 202 of the NPPF.

Residential amenity

Policy

8.111. Policy SS2(1.f.) of the LPP2 refers to amenity and supports developments that...

'...will result in a good standard of amenity for its future occupiers in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration; and will not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured.'

Assessment

8.112. Officers have attended both sites and have carefully assessed the relationships between the three new dwellings to be formed from existing buildings and the adjacent non-ancillary residential dwellings (Manor Farmhouse, Manor Farm Barn, Manor Farm Cottages 1 and 2). Officers are satisfied that none of the buildings to be converted in the existing farmyard and neither the physical buildings to be erected on the farmyard, will impact on any residential amenities in terms of either physical scale/siting or in terms of overlooking/privacy.

8.113. Similarly, Officers are satisfied that there is no harmful inter-visibility, erosion of privacy or cause for concern in respect of how the proposed dwellings within the farmyard will relate to one another. All amenity spaces are private and not overlooked. Barn B does contain some first-floor windows facing outwards from both gables, but these are significant distances from habitable areas of Manor Farmhouse, and Barn A is not being converted to a residential dwelling so there are no amenities to consider in that direction. All other windows tend to face out into private gardens at ground floor level.

8.114. Officers note that 1 Manor Farm Cottages will have some of its garden exposed when a building presently attached to Barn D is removed. However, the boundary treatments

condition will allow Officers to ensure a suitable replacement boundary treatment is provided to continue the delineation of the boundary and safeguard the privacy of the occupiers of this neighbour.

8.115. It should also be noted that Manor Farmhouse is being gifted an additional area of garden as a result of Barn D's conversion. This improves its existing amenity space provision, and is regarded as a (modest) benefit of the scheme.

8.116. The use of the new farmyard as a cattle shed will introduce noise and unpleasant smells within a little over 200m of non-ancillary residential dwellings. However, it must be emphasised that the existing farmyard remains in use as a working farmyard, where cattle is handled and kept. Officers observed this on site as recently as February 2022. With some minor works that are likely to fall within relevant permitted development guidelines, the existing farmyard could be changed such that the intensity of the use could be increased, too, albeit only modestly given the poor condition of the existing buildings.

8.117. While this is unlikely, it is a situation that could potentially have a more deleterious effect on the amenities of surrounding non-ancillary residential development, and it is afforded weight.

Conclusion

8.118. It is considered that siting a new, high-quality building outside of Passenham delivers the benefit of moving this harmful use and risk away from the existing residents, thus likely improving the quality of amenity for all residents, and ensuring there is less risk of further harm arising in the future.

Highway safety

8.119. Policy SS2(1.j.) requires new development to provide '*a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles*'. The NPPF (Paragraph 111) advises that development should only be prevented or refused on highway grounds '*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

8.120. The conversion scheme is in a location that will generally rely on its occupiers using private motor cars. The acceptability of this has already been assessed in the 'Principle' section of the report. The Transport Statement received on 8th February submits that the present farmyard averages between 3 and 4 movements per day, from a single entrance. The residential scheme will result in more movements (14), but these will be split across two entrances. The vehicles will primarily be cars, too, rather than larger plant and other machinery that could be associated with agricultural uses (in particular, trucks carrying cattle or delivery hay etc).

8.121. Therefore, it is not considered that the use of the site as a residential complex comprising of three dwellings will have a material impact on the highway network within Passenham compared to the site's present use for agricultural purposes.

8.122. The new farmyard has caused concerns to be raised in respect of highway safety, and the appropriateness of Passenham Road as a means of accessing the new complex. Highways have requested a full Transport Statement, now submitted and presently under review by the Local Highway Authority. This statement is intended to show that the new site will not result in a severe residual cumulative impact. Again, Officers afford weight to

the extant use of the existing farmyard, and the level (and type) of traffic this could generate if the use continued and intensified.

- 8.123. The Highway Statement shows how an HGV could access the site and enter and exit in a forward gear. Parking is also clearly providable within the curtilage of the new farmyard that would comply with the SPD on Parking Standards and Design. However, it is the suitability of the road between the new site and the junction between Passenham Road and the quarry access/A422 roundabout that has raised most concern amongst respondents.
- 8.124. The Transport Statement advises that the traffic generated by the new farmyard will be identical in number to those generated by the existing farmyard. Officers, again, are mindful that there is no planning restriction on the existing yard, such that farming operations could change and generate double or even triple the number of daily vehicular trips, and such trips could be made by larger vehicles.
- 8.125. The Transport Statement submits that, as the existing and proposed farmyards are accessed off the same highway and are in relatively close proximity, the relocation of the operations will not have a material change in conditions experienced by users of Passenham Road. It is also submitted that a new, larger and more efficient building and site that can accommodate larger delivery vehicles could actually result in a slight reduction in the number of vehicles. Officers accept this logic.
- 8.126. The applicants intend to address the concerns about the likelihood of larger vehicles becoming more frequent visitors to the site by proposing off-site highway improvements that the Council can secure using Grampian-style conditions. The improvements shown on the plans within the transport statement are a long passing bay to the north-west of the new site's entrance, and further widening of the junction between Passenham Road and the quarry access road.
- 8.127. The LHA has confirmed that the proposed measures are acceptable, subject to a condition requiring details of the off-site measures as well as a Construction and Environment Management Plan to cover the construction of the site and the bund.
- 8.128. Consequently, on the basis of such conditions being used, Officers are satisfied that the development will not result in an unacceptable risk to the safety of highway users in Passenham, and the development will not result in severe cumulative impacts on the local highway network. Ecology Impact

Legislative context

- 8.129. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.130. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or

economic nature and beneficial consequences of primary importance for the environment?

- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.131. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.132. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.133. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.134. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.135. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that

is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.136. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a group of traditional and modern farm buildings and a nearby area of pasture There are hedgerows on the boundaries and the sites are surrounded by agricultural land.
- 8.137. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.138. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.139. The application is supported by a detailed protected species survey which has been reviewed by the Council's Ecology Officer. They have concluded that the findings of the report suggest that it is unlikely that the development proposed will have a significant impact on protected species or habitats if the recommendations and mitigation identified in Section 6 of the report are followed fully and successfully.
- 8.140. Officers are satisfied, on the basis of the advice and conditions suggested by the Council's Ecologist and the absence of any objection from Natural England, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged

Other matters (security/welfare etc)

- 8.141. Officers note the observations of the Crime Prevention Design Advisor and those of a neighbouring respondent, in that the new farmyard will not benefit from natural surveillance or capable guardianship. This will leave it more vulnerable to crime, which is more likely to be an issue if there are isolated buildings containing farm machinery.
- 8.142. Officers have requested further information in the form of a preliminary security statement that will set out (in general terms) how the site can be secured and protected from crime. This will be the precursor to a planning condition requiring the submission of full security information prior to the farmyard being brought into use. Given lengthy response times in isolated, rural locations, the Council will be able to use this condition to make sure the steps being taken intend to deter crime in the first instance, rather than preventing criminals from achieving access to the buildings etc.

- 8.143. Officers are mindful that, in the event the farmyard is constructed and brought into use, and subsequently experiences security issues despite appropriate measures being taken, or any other issues caused by its relative isolation, a future landowner might opt to address this by requesting the siting of a dwellinghouse on the site itself. This is a point raised by Mr Kernon in his comments, too.
- 8.144. While the Council must determine the application as presented, on its own merits, and not on the basis of what might happen in the future. It certainly cannot refuse permission for the farmyard because it *might* result in a need for an on-site presence in an unspecified point in the future.
- 8.145. It can acknowledge that granting permission *might* assist the case that might be made for an on-site agricultural worker's dwelling. This is not a point the agent is making, instead arguing that as the applicant (the MK Park's Trust) are not changing their farming practices, and that the business will run on the same basis as it does now at the old buildings. As there is no dwelling at the current site (which are closer to residential properties but not well overlooked), this is suggesting there is little risk of a dwelling becoming needed.
- 8.146. However, any request for a dwellinghouse (temporary or otherwise) is going to have to be robustly justified, accompanied by an appropriate agricultural appraisal and will need to pass the tests established by the Councils LPP2 (policy LH4). Such an appraisal will be assessed by the same or another agricultural consultant as part of that process.
- 8.147. Officers have considered tying the smallest barn (Barn D) to the ownership of the farmyard. While this is not a formal 'agricultural tie', what it would do is prevent a modest property near to the farmyard from being sold on the open market. The Trust (or any end user) could let this out to the farmer utilising the new farmyard, or alternatively let it out to any one on the open rental market.
- 8.148. Officers are not convinced that such a condition would be accepted by the applicant (the Parks Trust), as it is understood that the intention is for them to sell the site with permission in order to fund the creation of the new farmyard. A dwellinghouse within this site that is tied to the farmyard would inevitably make this approach much more difficult, or even impossible.
- 8.149. Furthermore, it does not ultimately solve the problem of providing on-site capable guardianship. The new farmyard would lie over 200m to the north-west, out of sight and sound of Barn D.
- 8.150. Therefore, Officers are satisfied that the approach taken above – requesting further security information preliminarily with a view to using a more onerous condition to ensure the future occupier takes every step possible to prevent crime from taking place within the farmyard – is reasonable and proportionate to this application.
- 8.151. Any subsequent submissions for any other form of development will need to be assessed on their own merits against relevant policy at that time.

Other matters – flood risk

- 8.152. To the south-west of the site lies a Flood Zone 2 and 3. The entirety of the site, the three dwellings, the Dutch Barn and the new farmyard all lie to the north of this, in Flood Zone 1.

8.153. The Flood Risk Assessment submitted with the application advises that the proposed development is at low risk of flooding due to being in a Flood Zone 1. Development is submitted as being appropriate. Officers concur.

8.154. The FRA advises that the surface water can be dealt with via an outfall to watercourse and a SUDS feature (storage swale). Details of this can be submitted as a condition at a later stage.

8.155. Foul water is to be discharged (using a gravity-fed drainage solution) to the adopted Anglian Waters mains sewer passing through the main carriageway. This is acceptable, and no further details of this are required.

9. FINANCIAL CONSIDERATIONS

9.1. The development proposes the demolition of some existing buildings (and floorspace), the conversion of remaining floorspace, and the insertion of new floorspace (in Barns A and B). The CIL Additional Information Form has not been completed correctly, and Officers have not yet calculated the totals to determine whether, taking the demolished floorspace into account, there is a net increase in residential floor area.

9.2. This is typically done immediately prior to the issuing of the permission, and in this instance, Officers will need to obtain a revised CIL Additional Information Form to assist with this. This information will be requested and processed appropriately in the event the application is approved in line with the Officer's recommendations.

10. PLANNING BALANCE AND CONCLUSION

10.1. Passenham is a highly sensitive conservation village, well preserved and a good example of a historic hamlet that has evolved mainly through the conversion of historic agricultural buildings to the south-west of the main road through the settlement.

10.2. This application seeks permission to convert an existing and in-use agricultural complex into residential units, while relocating the agricultural enterprise to a new farmyard which will be established around 200m to the north-west of the village of Passenham. These elements are clearly intrinsically linked.

10.3. The new residential conversion complex will make use of a mixture of buildings that are both traditionally historic in character and a little more modern and functional in character. The buildings require a degree of works to make good, repair and, in some cases, rebuild to facilitate the conversions. However, the works cumulatively do not fail the test of policy LH4(1.a.), in that none of the buildings require fully demolishing and rebuilding from the ground up. This is confirmed by the 2017 structural survey, which can still be afforded weight according to the 2022 addendum provided by the agent.

10.4. Importantly, with the right materials and architectural detailing, if undertaken carefully and to a high-quality, it is felt that the rationalisation of the farmyard through the removal of older, redundant and unsightly buildings and the revealing of the more traditional buildings within, will result in a visual uplift and an enhancement to this part of Passenham, allowing it to sit comfortably within the historic character of the village.

10.5. The new farmyard will fundamentally and permanently alter the appearance of the presently untouched landscape to the north-west of the settlement. The new buildings and surrounding farmyard are substantial in scale, but are necessarily so to improve the

efficiency of the agricultural enterprise and future-proof the site to allow it to accommodate some level of expansion in the future.

- 10.6. The existing farmyard is economically unviable to redevelop for agricultural purposes, and intensifying a potentially noisy and malodorous use near to non-ancillary receptors is not a recommendable alternative.
- 10.7. The scale, siting and appearance of the buildings within the new farmyard are commensurate to their intended function.
- 10.8. This is all generally agreed with by the Council's agricultural consultant Mr Kernon.
- 10.9. Visually, the new farmyard will not appear incongruous or anomalous in this agrarian environment. With sensitive treatments to the edges of the farmyard, including a landscaping buffer and a bund, it is considered that distant views from the A422 will eventually be of what appears to be a long-established complex in a logical (open countryside) location.
- 10.10. Concerns about highway safety have been noted, and addressed through the submission of a Transport Statement. The applicants will continue to work with the Local Highway Authority to ensure that, utilising Grampian conditions and those controlling the implementation of the permission, the scheme avoids harming the safety of highway users.
- 10.11. The scheme is ultimately felt to deliver benefits; environmental/conservational benefits to the existing farmyard, the relocation of harmful and conflicting land uses away from non-ancillary receptors (not yet an issue, but potentially one in the future), visual uplift to the existing farmyard, and it also helps an established agricultural use continue functioning within the district from premises that will secure a more efficient operation and deliver a modest educational benefit too.
- 10.12. Harm arising from the development, mainly through introducing new substantial built form in an untouched, green field in a seemingly isolated location, and affecting the setting/views into a conservation area, is felt to be outweighed by the benefits described above, in a careful exercise of planning balance.
- 10.13. Therefore, Officers feel that the Council should offer its support to the application and, subject to the conditions set out below and to the LHA confirming its satisfaction with the Transport Statement, grant approval for this development.

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 AMENDMENTS TO THE CONDITIONS LISTED BELOW 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:

- 21 14 001 P1 Site Location Plan received 25th October 2021
- S3563 02 Topographical Survey (site A)
- La5151 100a Site B Landscape received 25th October 2021
- 21 14 006 P3 Site B Proposed Layout received 25th October 2021
- 21 14 011 P2 Barn A Proposed received 25th October 2021
- 21 14 021 P2 Barn B Proposed received 25th October 2021
- 21 14 031 P2 Barn C Proposed received 25th October 2021
- 21 14 041 P2 Barn D Proposed received 25th October 2021
- 21 14 050 P4 Cattle Shed Proposed Plan received 25th October 2021
- 21 14 052 P3 Straw Barn Proposed received 25th October 2021
- 21 14 051 P4 Cattle Shed Proposed Elevations received 25th October 2021
- Preliminary Ecological Appraisal prepared by Philip Irving, dated June 2021, received 25th October 2021
- Paddock Geo Engineering Preliminary Contamination Risk Assessment Parts 1, 2 and 3 dated May 2016, received on 25th October 2021
- Paddock Geo Engineering Site Contamination Risk Assessment dated September 2021 and received on 25th October 2021
- Flood Risk Assessment prepared by MAC Pre-Planning Engineering dated September 2021 and received 25th October 2021
- 21 14 003 P5 Site A Proposed Layout received 8th February 2022
- LA5151-101B Landscape Site A received 9th February 2022
- Transport Statement Rev B prepared by Abington Consulting Engineers dated 7th April 2022 and received on 11th April 2022
- Structural Survey addendum reference TZ/22/48372/HM dated 30th March 2022 and received 1st April 2022

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.

3. The development hereby permitted shall be carried out in accordance with the mitigation, recommendation and enhancements in section 6 of the Preliminary Ecological Appraisal, by Philip Irving, dated June 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.

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

4. If the development hereby approved does not commence by 1st June 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.

5. Due to the contamination identified in the submitted reports Paddock Geo Engineering Preliminary Contamination Risk Assessment Parts 1, 2 and 3 dated May 2016 and Paddock Geo Engineering Site Contamination Risk Assessment dated September 2021, all received on 25th October 2021, no development hereby permitted shall take place until
 - (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
 - (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to the commencement of the development the applicant will secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

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

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

7. Prior to the commencement of works on any aspect of the new farmyard, full details of all proposed security arrangements, using the preliminary statement submitted and received by the Council on 7th March 2022 as a template, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason : To safeguard the site and reduce risk of crime in accordance with policy SS2 of the Local Plan Part 2.

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

8. Before any above ground works commence a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings 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.

9. No development shall take place on either site, other than demolition of buildings identified for removal on the approved plans, until a Construction and Environment Management plan has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The statement shall also provide specific information pertaining to the following elements:

- j) Construction of the earth bund along the north-western edge of the proposed farmyard, including the management of the movement of materials and vehicular trips during construction
- k) Construction of and subsequent anticipated trip rates/use of the educational building within the proposed farmyard

The approved Construction and Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan 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. Sample panels of any new limestone and/or brickwork which are to be used in repairing or rebuilding parts of any of the buildings, or in the construction of any walls that form boundary treatments - including those that flank neighbouring property boundaries - shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before those elements are commenced. Any stone sample panel(s) shall be laid, dressed, coursed and pointed using a lime-based mortar with brushed or rubbed joints. The sample panel(s) shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel(s) shall be retained on site for the duration of the construction contract.

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 Policies SS2, HE5 and HE6 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

11. Samples of all roofing materials (including ridge tiles) for both the replacement roofs shown on the approved plans and any other repair work not shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the 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.

12. A schedule of materials and finishes, including samples or photographs of the proposed materials to be used in the external walls and roof(s) of the cattle barn and the straw barn proposed in the new farmyard shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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 Policies SS2 and HE5 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the submitted details, further details of the construction and finishes, including sections, of the proposed windows and doors and their surrounds (including any lintels), rainwater goods, eaves and verges to be installed into Barns A, B, C and D, to a scale no less than 1:5 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new works are sympathetic with the character of the existing building and to accord with policy SS2 of the Local Plan Part 2.

14. Full details of all boundary enclosures proposed along all boundaries and within the curtilages of both sites as depicted on approved drawing **21 14 001 P1 Site Location Plan** received 25th October 2021 shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of any dwellinghouse or either the cattle barn or the straw shed. **Please see Informative 1.**

Reason : To ensure the satisfactory appearance of the completed development, 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.

15. Notwithstanding the landscape bund for Site B [see **condition 16**], both sites shall be landscaped in accordance with the following drawings...

- LA5151-101B Landscape Site A received 9th February 2022
- LA5151-100A Landscape Site B received 25th October 2021

...unless, prior to the development progressing above slab level or such alternative timeframe as agreed in writing by the developer and Local Planning Authority, an alternative scheme for landscaping the site is provided to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

- tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

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 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.

16. Notwithstanding the details of the bund shown on approved landscape drawing **LA5151-100A Landscape Site B** received 25th October 2021, detailed plans of the proposed bund to be positioned along the north-western boundary of the new farmyard shall be submitted to and approved in writing by the Local Planning Authority prior to the development of any buildings within the farmyard above slab level. The details shall include:

- Elevational and sectional drawings
- Intended finished ground levels for the landscape around and on top of the bund
- All species of plants, including numbers, spacing and size to be placed in front of (to the north-west) and on the bund

The bund and its associated landscaping shall be implemented prior to the farmyard being first brought into use and maintained for a period of **10 years** in accordance the stipulations of condition 26 and retained as such thereafter.

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.

17. In the event that contamination to land and/or water is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No development shall continue until a risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

- Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
- Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

- Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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.

18. No development shall commence in respect of the new farmyard (Site B) until the works to improve Passenham Road, including the widening of the junction and the formation of a passing place as shown on the approved plan **21027/104 'Highway Improvements'** contained within the **Transport Statement prepared by Abington Consulting Engineers** dated 31st January 2022 and received on 8th February 2022, have been provided in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

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 during the course of construction of the farmyard, and the convenience of users of the adjoining highway. This information is required prior to commencement of this phase 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 OCCUPATION

19. The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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.

20. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the three dwellings shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The development shall thereafter be carried out in accordance with the approved details

Reason: To safeguard the character and appearance of the dwellings and safeguard the visual amenity of the area in accordance with policy SS2 of the South Northamptonshire Local Plan.

21. The refuse bins for the three dwellings shall be stored in a location that accords with details shown on drawings **21 14 011 P2 Barn A Proposed** received 25th October 2021, or alternatively the bins shall be stored within the undercover garaging provided to each dwellinghouse as shown on **21 14 011 P2 Barn A Proposed**, unless, prior to the dwelling's first occupation, alternative details of all refuse storage facilities are submitted to and approved in writing by the Local Planning Authority. The alternative storage facilities shall thereafter be provided in accordance with the 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 Local Plan Part 2.

22. Notwithstanding the typical sections and elevations or siting shown on approved plan **21 14 003 P5 Site A Proposed Layout** received 8th February 2022, a refuse collection point serving all three dwellings shall be provided, in accordance with alternative details, including siting, full elevations, design and finish, which shall be submitted to the Local Planning Authority for approval prior to the first use or occupation of the development hereby permitted. The refuse collection point shall be provided prior to first occupation and shall thereafter be permanently retained and maintained for the storage of refuse bins in connection with the development.

Reason : In the interest of well-planned development and visual amenity and to accord with Policy SS2 of the South Northamptonshire Part 2 Local Plan and Government guidance contained within the National Planning Policy Framework.

23. The new farmyard (Site B) shall not be brought into use until full details of the 'Commercial Vehicle Crossover' at the site's access point with Passenham Road have been submitted to and approved in writing by the Local Planning Authority. The formation of the access shall thereafter be undertaken in accordance with those details prior to its first use.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

24. The dwellings hereby permitted shall not be occupied until they has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.

Reason : 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 TO BE COMPLIED WITH AT ALL TIMES

25. All planting, seeding or turfing comprised in drawing **LA5151-101B Landscape Site A** received 9th February 2022 shall be carried out in the first planting and seeding seasons following the 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 Policy SS2 of the South Northamptonshire Local Plan.

26. All planting, seeding or turfing comprised in drawing **LA5151-100A Landscape Site B** received 25th October 2021 as well as the details submitted to discharge condition 16, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of **10 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.

27. Notwithstanding the provisions of Classes A-E (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 dwellinghouses hereby permitted, nor any outbuildings within the curtilage of any dwellinghouse permitted, shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy and to protect the rural character and appearance of this part of the village, in accordance with Policy SS2 of the South Northamptonshire Local Plan.

28. 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 any buildings, at any time, without the prior express planning permission of the Local Planning Authority.

Reason: To prevent compromising the presentation of the development to the street scene and preserve the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

29. The buildings hereby permitted within the new farmyard as shown on drawing **21 14 006 P3 Site B Proposed Layout** received 9th February 2022 shall be used only for the purposes of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act 1990. The associated educational facilities shall only be used for educational purposes that are wholly ancillary and directly related to the agricultural use and shall remain associated with the farming enterprise being conducted from that site.

Reason : To ensure that the development is used for agricultural purposes only, in accordance with Government Guidance contained within the National Planning Policy Framework and Policy LH1 of the South Northamptonshire Local Plan.

INFORMATIVES

1. The Council expects most enclosures within this site to be brick or stone walls, coursed and pointed accordingly, with relevant detailing (i.e. capping) where contextually appropriate. Close boarded timber fences might be appropriate delineating the borders between the gardens of Barns B and D from neighbouring properties (in particular, a new fence or wall will need constructing between Barn D's garden at 1 Manor Farm Cottages where the existing building is being demolished). Around the periphery of the site, any boundary treatment that isn't planted must be a simple post and rail timber fence.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working