



South Northamptonshire Local Area Planning Committee

A meeting of the South Northamptonshire Local Area Planning Committee will be held at the The Forum, Moat Lane, Towcester, NN12 6AD on Thursday 9 June 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 - 48) To confirm the Minutes of the meeting of the Committee held on 12 May 2022.
4.	Chair's Announcements To receive communications from the Chair.

Planning Applications	
5.	Land South of The Wharf, Bugbrooke, NN7 3QB (Pages 51 - 86)
6.	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
30 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 Sue Sharps	

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 12 May 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
 Tom Ansell, Principal Planning Officer (For Minute Items 61-64)
 Samuel Dix, Principal Planning Officer (For Minute Item 60)
 Surinder Atkar, Planning Solicitor
 Richard Woods, Democratic Services Officer

57. **Declarations of Interest**

64. Manor Farm Passenham

Cllr Ken Pritchard, Declaration, as the resident of a nearby village would abstain from the vote on this item.

58. **Minutes**

The minutes of the meeting of the Committee held on 7 April 2022 were agreed as a correct record and signed by the Chair.

59. **Chair's Announcements**

The Chair made the following announcements:

1. That 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. Members of the public were requested not to call out during the Committee's discussions on any item.

3. There were no planned fire drills so in the event of an alarm sounding, evacuation instructions would be given by officers.
4. That it be requested that any devices be switched off or onto silent mode.
5. For the benefit of those attending virtually, speakers must speak clearly into the microphone when addressing the Committee.

60. **Runway west of Forest Road, Piddington**

The Committee considered application WNS/2022/0154/FUL for the retrospective change of use from agricultural to grass runway with associated facilities for use as a microlight airfield at Forest Road, Piddington for Mr Chambers.

Local residents Tracy Barwick, Marius Wooley, Victoria Mitson and Megan Ward each addressed the Committee in objection to the application, on the grounds of noise disturbance, concerns over the impact on local walking and equestrian routes, the frequency of aviation traffic, the number of days per year permitted for aviation traffic, the type of aviation traffic to make use of the site, and the size and nature of planned future aviation events on the site.

Councillor Fiona Cole, local ward member for Hackleton and Grange Park, addressed the Committee in objection to the application and summarised the points raised by the objectors.

A written statement from Jemma Pearce of the Salcey Forest Riders, objecting to the application on the grounds of possible equestrian disturbance and associated safety risks, was read out to the Committee.

Local supporters Clark Smith-Stanley and John Tindall each addressed the Committee in support of the application and sought to provide explanations regarding the points raised by the objectors. This covered the use of the site, the purpose and uses of the circuit pattern for joining and departing aircraft, the prevailing winds and likely routing for arriving and departing aircraft and how this could alter potential noise disturbance.

Mark Carter, the Agent for the Applicant, addressed the Committee in support of the application and sought to provide explanations regarding the proposed uses of the site, anticipated aircraft traffic, proposed days of use and anticipated types of visiting aircraft. Mr Carter also stated that Conditions 6 and 7 could have a negative impact on pilot performance and human factors therefore jeopardising the safety of aviation activities and suggested that these conditions be revisited in negotiations with the applicant. In response to further questions from the Committee, Mr Carter stated that the aviation activities and events on the site were strictly recreational and were not a commercial operation.

Caroline Moore and James Head of the Civil Aviation Authority were also in attendance to provide input on any technical aviation matters in their capacity as the statutory regulator of civil aviation in the United Kingdom.

It was proposed by Councillor Karen Cooper and seconded by Councillor Anthony Bagot-Webb that a decision on application WNS/2022/0154/FUL be deferred for the purpose of a Committee site visit in order to assess the likely impact on the nearby paddocks, equestrian routing and nearby bridleways and the likely noise impact on nearby residential dwellings and the wider settlement area.

The motion was put to the vote with eight votes cast in favour of the proposal and one vote cast against, therefore the motion was carried.

Resolved

- (1) That a decision on application WNS/2022/0154/FUL be deferred for the purpose of a Committee site visit.

61. **Royal Air Force Croughton**

The Committee considered application WNS/2021/1564/MAF for the creation of a new base main gate, including formation of new access onto the B4031 and the erection of associated buildings including a visitor centre, guard house and large vehicle inspection area at RAF Croughton, NN13 5NQ for the Defence Infrastructure Organisation.

Alison Dornan, Senior Estates Surveyor at RAF Croughton, addressed the Committee in support of the application.

The Case Officer added that should the Committee resolve to delegate authority to approve the application, the permission would not be issued until it had been reviewed by the Secretary of State for Levelling Up, Housing and Communities.

It was proposed by Councillor Anthony Bagot-Webb and Seconded by Councillor Dermot Bambridge that the application be approved as per the officer's recommendations. The motion was put to the vote with nine votes cast in favour of the proposal and none cast against, therefore the motion was carried.

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

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission for application WNS/2021/1564/MAF subject to the following 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 CONDITIONS – 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 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 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 the base has provided existing visitor car parking areas located within its curtilage with EV charging infrastructure, specifically DC fast-charging equipment or equivalent providing for no lesser standard of efficiency. One EV-dedicated parking bay shall be provided for every 10 parking bays (or part thereof) provided within the visitor's centre car park.

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.

Compliance with ecology report:

21. The development hereby permitted shall be carried out in accordance with the mitigation, conclusions and enhancements in section 3 of the Preliminary Ecological Appraisal Addendum by Mott MacDonald, dated 19th April 2022, 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.

Pre-commencement check:

22. 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.

Working Method Statement for reptiles

23. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a working method statement for reptiles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the working method statement shall be carried out in accordance with the approved details.

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.

Submission of LEMP

24. Prior to the 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. The LEMP should include details of;
- a) Biodiversity Net Gain Assessment
 - b) The location of where habitats will be created/enhanced
 - c) Type of habitats to be created/enhanced and how these will be created/enhanced
 - d) Corn Parsley (*Petroselinum segetum*) Translocation Strategy
 - e) Habitat management over 30 years to achieve and maintain target condition

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.

Species to be of UK provenance

25. 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.

62. **Land off Leather Lane, Middleton Cheney**

The Committee considered application WNS/2021/0931/MAO for outline planning permission for up to 21 dwellings and associated landscaping and parking, with all matters reserved except access at Land off Leather Lane, Middleton Cheney for Lagan Homes Limited.

Seth Williams, the Agent for the Applicant, addressed the Committee in support of the application.

It was proposed by Councillor Ken Pritchard and Seconded by Councillor Anthony Bagot-Webb that the application be approved as per the officer's recommendations. The motion was put to the vote with six votes cast in favour of the proposal and three cast against, therefore the motion was carried.

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

Resolved

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission to application WNS/2021/0931/MAO subject to:
1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the 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
2. The following conditions as set out below (and any amendments to these conditions as deemed necessary):

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.

22. Prior to the commencement of construction activities, a surface water drainage scheme for the site, based on the approved Drainage Strategy-Lagan Homes Ltd dated September 2021(784-AA114668) shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include:

- a. detailed designs of all elements of the proposed drainage system, to include, diameters, invert and cover levels, gradients, dimensions. etc.,) This shall also include pipes, inspection chambers, outfalls/inlets and attenuation structures.
- b. full and appropriately cross-referenced supporting drainage calculations.
- c. cross sections of the control chambers (including site specific levels in mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices

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.

23. No development shall take place until a detailed scheme for the ownership and maintenance for 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. The details shall include the following:

- a) Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.
- b) The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- c) A site plan including access points, maintenance access easements and outfalls.

- d) Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- e) Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development.

24. No occupation shall take place until a Verification Report for the installed surface water drainage scheme for the site based on approved scheme shown in Drainage Strategy-Lagan Homes Ltd dated September 2021(784-AA114668) be 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
- d) required / necessary)
- e) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges, etc
- f) 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.

- (2) The statutory determination period for this application expires on Friday 13th May 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 – Growth, Climate and Regeneration 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).

63. Land at Waters Lane, Middleton Cheney

The Committee considered application WNS/2021/1815/MAR for an application for reserved matters consent for layout, scale, appearance, landscaping and access in respect of a residential development comprising of 54 dwellings (pursuant to the outline planning permission (S/2020/0441/MAO) at Waters Lane, Middleton Cheney for Mulberry Homes.

Carl Scott, the Agent for the Applicant, addressed the Committee in support of the application and answered a number of technical questions regarding the appointment of a management company in order to manage the development once completed.

In response to questions from the Committee regarding the necessity to appointment a management company, the General Planning Team Manager explained that officers could approach Middleton Cheney Parish Council and enquire as to whether they could take some responsibility for the management of the estate once completed, however this would be a choice for the Parish Council to make and there would be no enforceable obligation on it to agree to do so.

It was proposed by Councillor William Barter and seconded by Councillor Karen Cooper that application WNS/2021/1815/MAR be approved as per the officer's recommendation. The motion was put to the vote with nine votes cast in favour of the proposal with none against, therefore the motion was carried.

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

Resolved

(1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission to application WNS/20211815/MAR subject to:

1. 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.
2. The following conditions (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
- GI1611 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 drawing GL1611 01C Soft Landscape Proposals received 5th May 2022, 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. The soft landscaping shown on drawing GL1611 01C Soft Landscape Proposals received 5th May 2022, or any alternative landscaping scheme approved by condition 11, shall be maintained in accordance with document GL1611 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 off-street 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.

17. Notwithstanding the details shown on drawing N1677 008j (Planning Layout) and drawing N1677 700e (Boundary Treatments Plan), full details of the means of enclosures proposed to secure the gardens of 6, 8, 10, and 16 Waters Lane and 15 Thenford Road shall be submitted to and approved in writing by the Local Planning Authority prior to those works commencing. Such approved means of enclosure, in respect of those dwellings which are intended to be given additional garden land, shall be erected prior to the first occupation of plots 40 – 52 inclusive as shown on drawing N1677 008j (Planning Layout).

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.

18. Prior to the commencement of plots 45 – 50 (the apartment block), further details of the cycle store and refuse/bin store serving this building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevational drawings, materials/finish and security measures (for the cycle store). The storage facilities shall thereafter be provided in accordance with the approved details before the building to which they relate is first occupied.

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

19. Details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting for all plots, including the apartment block, and the two parking courts, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. 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 and amenities of neighbouring residential dwellings, in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

64. **Manor Farm, Passenham**

The Committee considered application WNS/2021/1797/MAF for the relocation of the existing Manor Farm farmyard and conversion of existing buildings at Manor Farm to three dwellings with associated works at Manor Farm, Passenham, MK19 6DQ for The Parks Trust.

Nicola Thompson, the Agent for the Applicant, addressed the Committee in support of the application and addressed a number of technical points with regards to traffic management and the management of slurry from the site.

It was proposed by Councillor Dermot Bambridge and seconded by Councillor Alison Eastwood that application WNS/2021/1797/MAF be approved as per the officer's recommendation. The motion was put to the vote with seven votes cast in favour of the proposal and two abstentions, therefore the motion was carried.

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

- (1) That authority be delegated to the Assistant Director – Growth, Climate and Regeneration to grant permission to application WNS/2021/1797/MAF subject to the following 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:
 - 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 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 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 have 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.

ADDITIONAL CONDITIONS

Manure/Silage/Slurry Management Plan

30. Prior to the new farmyard being brought into use, a management strategy that establishes how the silage, slurry and waste animal product will be dealt with shall be submitted to and approved by the Council. This strategy will include details/information on the following, where relevant:

- I. How these products will be transported to the site, including the frequency, vehicle(s) involved and routing from the main highway (the A422) to the site
- II. How these products will be stored on site while awaiting removal,
- III. How these products will be removed from the site, including the frequency, vehicle(s) involved and routing from the site to the main highway (the A422)
- IV. If some of these products are to be redistributed back onto the land, the frequency that this will take place, the vehicle(s) involved, and routing from the site to the land where redistribution is to take place.

The above information shall be prepared noting the limited width of the highway, and weight restrictions, between Passenham and the Beachampton Road. The development shall thereafter be carried out in accordance with the approved details.

Reason : In order to safeguard the residential amenities of nearby properties in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Removal of all agricultural PD rights

31. With regards to the new farmyard as defined on drawing 21 14 006 P3 Site B Layout received 25th October 2021, and notwithstanding the provisions of Classes A - E of Part 6 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 development shall take place that comprises of the erection, extension or alteration of any building, any excavation or engineering operations, the installation of additional or replacement permanent plant/machinery, the provision, rearrangement or replacement of a private way, the provision of a hard surface, any mineral working for agricultural purposes or any forestry related development, without the prior planning permission of the Local Planning Authority.

Reason : Having regard to the sensitivity of the surrounding agricultural landscape and the potential impact further expansion and intensification of the farmyard might have on both visual and neighbour amenities and highway safety, it is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with Policy SS2 of the Local Plan Part 2.

65. Urgent Business

There were no items of urgent business.

The meeting closed at 6.07 pm

Chair: _____

Date: _____

West Northamptonshire Council
South Northamptonshire Local Area Planning Committee
Thursday 9 June 2022

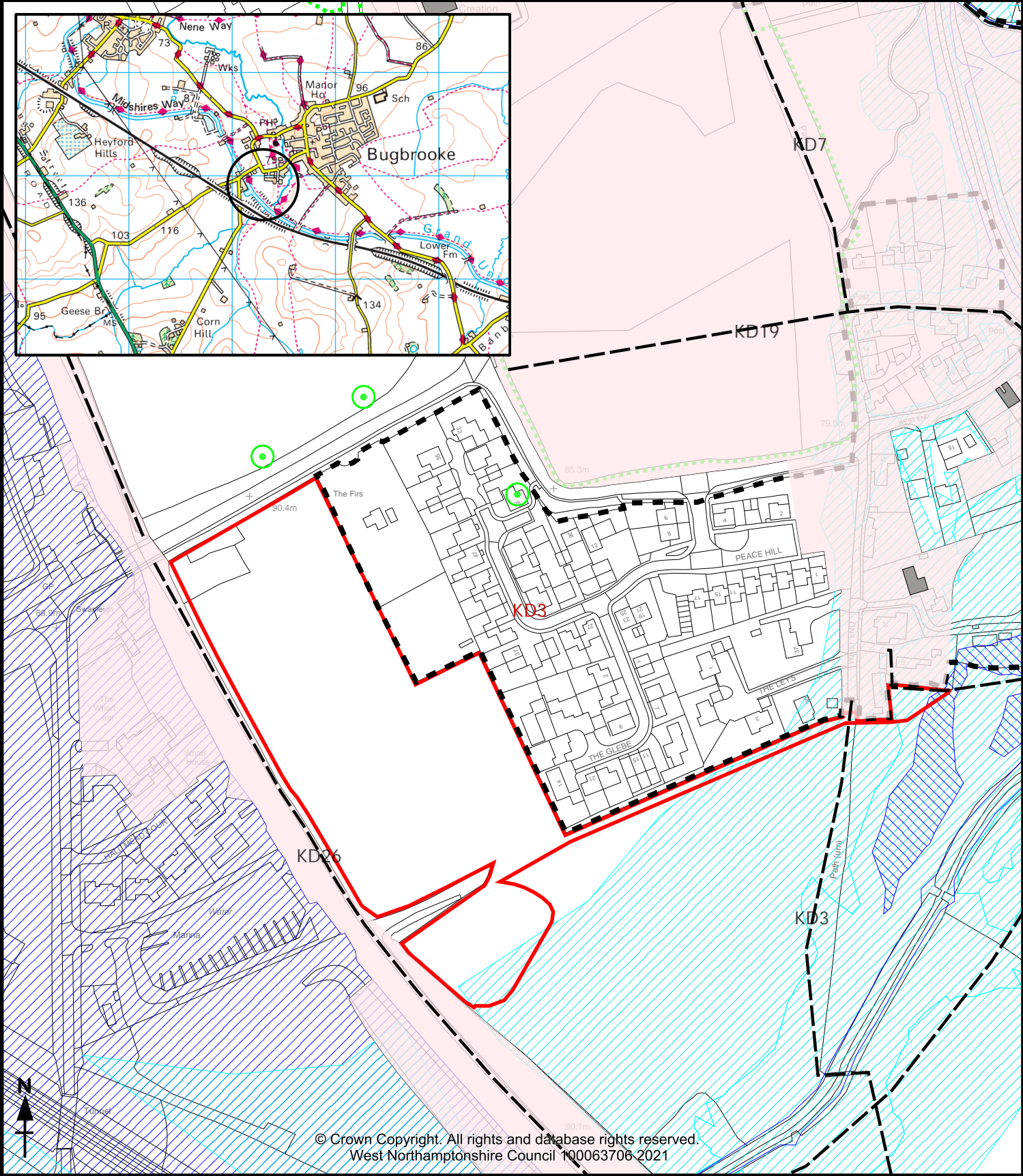
Agenda Item	Ward	Application Number	Location	Officer Recommendation	Officer
5	Bugbrooke	WNS/2021/0450/MAF	Land South of The Wharf, Bugbrooke	Refuse Permission	Tom Ansell

*Subject to conditions

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Application Number: WNS/2021/0450/MAF

Parish: Bugbrooke CP



Town/Village: Bugbrooke

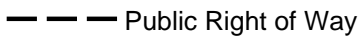
Site Area: 2.3921 Ha

Grid Location: SP 67222 56913

Map Scale: 1:2500



Conservation Area



Flood Zone 3



Listed Building



Village/Town Confines



Special Landscape Area



TPO Single



TPO Area



Flood Zone 2

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Application Number: WNS/2021/0450/MAF

Parish: Bugbrooke CP



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Map Scale: 1:2500

Date Flown: 'Latest Available'

 Site

Page 53

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Application Number: WNS/2021/0450/MAF

Location: Land South of The Wharf, Bugbrooke, NN7 3QB

Proposal: Construction of 52.no new dwellings with associated open spaces, roads and drainage infrastructure.

Applicant: Barwood Homes

Agent: **Marrons Planning**

Case Officer: Suzanne Taylor/Tom Ansell

Ward: Bugbrooke

Reason for Referral: Significant departure from adopted development plan

Committee Date: 9th June 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION FOR THE REASONS SET OUT AT THE END OF THIS REPORT.

Proposal

Full planning permission is sought for 52 dwellings (including 50% (26 No.) affordable dwellings) with a centrally located children's play area.

Consultations

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

- Bugbrooke Parish Council; Surface Water Drainage Team

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

- Planning Policy, Environment Agency

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

- Strategic Housing

25 letters of objection have been received and no 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
- Layout and design
- Heritage Impact
- Landscape and visual impacts
- Affordable Housing
- Residential amenity
- Ecology impact
- Highways
- Flooding and drainage
- Local Infrastructure and S106 obligations

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

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 covers an area of 2.4ha and is situated approximately 5 miles south-west of the edge of Northampton and 6 miles north of Towcester. Bugbrooke lies within the Nene valley and is identified as one of the district's larger villages with a good range of amenities and facilities including primary and secondary schools and a doctor's surgery.
- 1.2 The site lies on the south-western edge of the settlement between existing residential development at The Firs and The Glebe/Peace Hill (to the east) and the Grand Union Canal (to the west). It is comprised of the northernmost section of a larger 'L' shaped arable field with native species hedges at its eastern and western boundaries. Two small copses also sit within the site at the north-western and south-western corners. The copse at the south-western corner divides the larger field into (almost) two parts with the smaller northern section forming the main part of the development site and the majority of the bigger, southern section would remain as agricultural land.
- 1.3 The site lies at a lower level than the canal and the road to the north and the land falls gently to the south. The south-western corner is the lowest part of the site. The canal towpath and public right of way run along the western site boundary and another PROW runs roughly north-south through the adjoining field to the south linking to West End.
- 1.4 There are screened views of the site from the adjoining canal towpath and the canal and The Wharf to the west are within the Grand Union Canal Conservation Area that abuts the western site boundary. There are wider and more open views into the site from the surrounding fields and countryside to the south. The south-eastern extent of the site (which encompasses the proposed footpath link) would abut the Bugbrooke Conservation Area.

2. CONSTRAINTS

- 2.1. The application site is adjacent to:

- Bugbrooke Village Confines
- Bugbrooke Conservation Area and Grand Union Canal Conservation Area;
- Public Right of Way: Footpath, Route Code: KD/021

2.2. The application lies within:

- Public Right of Way: Footpath, Route Code: KD/003
- 500m Canal Buffer
- Flood Zones 1 and 2
- British Waterways Major/EIA Notification Area and Minor/Household Notification Areas
- 2km buffer Local Wildlife Site: Grand Union Canal - Bugbrooke
- Sites of archaeological interest: Route of The Grand Junction Canal; Open Fields Project: Areas of Survival of Ridge & Furrow; Bugbrooke Village
- Areas of High, Medium and Low Risk of Surface Water Flooding

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks full planning permission for 52 dwellings comprised of 50% (26 No.) affordable dwellings. The mix of housing would be broken down into 7 No. 1 bed units, 17 No. 2 bed units, 23 No. 3 bed units and 5 No. 4 bed units. The affordable housing would be made up of 6 No. 1 beds (4 No. maisonettes and 2 No. bungalows), 13 No. 2 bed houses, 5 No. 3 bed houses and 2 No. 4 bed houses. A variety of residential units types are proposed and would include FOGs (flats over garages), bungalows and maisonettes in addition to detached, semi-detached and terraced 2 and 3 storey houses.
- 3.2. The scheme also proposes a centrally located children's play area, the retention of the majority of the wooded areas to the north-western and south-western corners of the site and a SUDS/attenuation pond to the south-western corner. Vehicular access to the site would be from The Wharf road on the northern site boundary. A public footpath link to West End and public footpath KD/003 as well as several footpath connections to the tow path/public footpath KD/021 are also proposed.
- 3.3. The proposed dwellings would be faced in brick or stone with some clad with timber. All would have grey tile roofs. The majority of the dwellings would be brick faced with just over a third faced in stone and approximately 11% faced with timber cladding.
- 3.4. *Timescales for Delivery:* The applicant/agent has not yet provided an indicated timescale for delivery. If this is provided ahead of the committee meeting, it will be included as part of the written updates.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2019/2257/MAF	52 no dwellings with associated landscaping and infrastructure	REFUSED
S/2010/0547/MAO	Residential development of 70 houses	APPEAL DISMISSED
S/2011/1448/MAO	Residential development of 70 houses	WITHDRAWN
S/2011/0826/MAR and S/2010/0383/MAO	31 dwellings including new access on Land adjacent to Peace Hill (adjoining this site)	APPROVED
S/2015/1573/MAF	Residential development of 17 dwellings on Land off Peace Hill (adjoining this site)	APPROVED

4.2 In September 2012 an appeal against the refusal to grant outline permission for 70 dwellings on this site was dismissed. The Inspector concluded that harm to the character and appearance of the area outweighed the need for additional housing. In arriving at this view she noted that although planning permission had been granted for the dwellings off Peace Hill there was no guarantee that these would be built and therefore the development was not adjacent to the built-up limits of the settlement and the proposed scheme would not therefore consolidate the existing village boundary. She also observed that under the Interim Rural Housing Policy (which prevailed at that time) other approved/pending residential developments in Bugbrooke already met or exceeded the indicative target for new houses within this settlement. Given that the application was only in outline and taking account of the sensitive location of the site the Inspector also considered that the impacts upon the character and appearance of the area had not been adequately addressed.

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 2014 (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
- 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
- BN1 – Green Infrastructure Corridors
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- 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 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
- LH1 – Development within town and village confines
- LH8 – Affordable housing
- LH10 – Housing mix and type
- SDP2 – Health facilities and wellbeing
- 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
- HE6 – Conservation Areas
- NE2 – Special Landscape Areas
- NE3 – Green Infrastructure Corridors
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species
- CON3 – Canal facilities and new marinas

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- South Northamptonshire Council Supplementary Planning Guidance and Documents
- SNC Design Guide
- Housing Land Availability Study South Northants Area May 2021
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive

- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- SNC Corporate Priorities - to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”.
- Bugbrooke Village Design Guide

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. **Complete up to line 194 on DEF.**

Consultee Name	Position	Comment
Bugbrooke Parish Council	Object	<p>Due to following concerns: Contrary to policy R1; Healthy 6.23 housing land supply; Worsening of flooding; Unsafe highway access; Increase in traffic and speeding; Increase in parking issues; Limited public transport; Poor access for emergency vehicles; Pressure on village amenities and infrastructure (doctor, schools, nurseries and shop); Houses to have has boilers and no electric vehicle charging; Inappropriate design (especially the 3 storey dwellings adjacent to the canal); Detrimental impact upon the rural character and setting of the village and canal; Impacts upon archaeology, public footpaths and ecology;</p> <p>Recommend that the following are secured via S106 if the application is to be approved: Provision of link road from Junction 16 of M1 to Heygates; Traffic calming and 20mph speed limit; Drainage mitigation infrastructure; Financial contributions for primary and secondary education within the village; Financial contribution towards health care; Financial contribution towards a PCSO of £16,000 pa; Financial contribution towards Bugbrooke Sports and Community Association; Financial contribution towards village</p>

		enhancements (bins, benches etc.); Provision of new/upgraded play facilities and surfacing adjacent to the primary school
Environment Agency	No objection	
Anglian Water	No objection	Recommend the imposition of conditions to require approval of a scheme for foul water drainage and its implementation and a number of informatives regarding Anglian assets and surface and foul water drainage
Local Highway Authority	Comments	Recommend the imposition of conditions and informatives regarding the public right of way. Recommend consultation with the Canals and Rivers Trust and a plan to show 4x axel refuse vehicle
Surface Water Drainage Team (SWDT) (AKA Lead Local Flood Authority – LLFA)	No objection	Initially objected due to insufficient information being provided to demonstrate that surface water flooding had been adequately considered. Following the submission of additional information by the applicant the LLFA have no objection subject to the imposition of conditions to require the submission and approval of a detailed surface water drainage scheme, a scheme for its maintenance and a verification report for the installed surface water drainage system.
Archaeology	Comments	Recommends the imposition of a standard, staged condition to require submission and approval of a Written Scheme of Investigation with fieldwork and analysis as appropriate.
Northamptonshire S106 Funding for Key Services	Comments	Recommend financial contributions via S106: Primary Education - £141,754 Secondary Education - £155,395 Libraries - £10,602 Also recommend a condition to require the provision of fire hydrants and an informative relating to broadband
Police Crime Prevention Design Advisor	Comments	Recommends a closed cul-de-sac design (no footpath connection to the village) and the provision of a lockable gate at the corner of Plot 45.
Ramblers Association	Comments	The KD26 footpath along the canal does not appear to be affected.
Canal and River Trust	Comments	Recommends clarification on the removal/retention of the hedge along the canal boundary – this could be controlled

		with suitably worded conditions. Also recommends the imposition of conditions to control lighting adjacent to the canal and to agree in advance any works (attenuation pond) or landscaping that would take place within or close to the canal embankment. Further recommends the addition of informatives regarding the applicant working in liaison with CART.
Inland Waterways Association	No comments received to date	
Northamptonshire NHS Clinical Commissioning Group	Comments	Request a financial contribution via S106 towards primary healthcare of £26,437.04
Historic England	No comments	
CPRE	Comments	The development would be contrary to adopted plan policies, has not been justified and should be refused.
Northants and Beds Wildlife Trust	No comments received to date	
South Northants Volunteer Bureau	No comments received to date	
Strategic Housing	No objection	Subject to clarification of the tenure mix and Plots 43 and 48. Support the number of affordable units proposed and the mix of dwelling types to be provided. Do not object to the layout and design of the affordable units.
Environmental Protection	Comments	Recommend the imposition of conditions requiring the submission of contaminated land and noise assessments to be submitted for approval prior to commencement, a Construction Environmental Management Plan (CEMP) and provision of electric vehicle charging infrastructure (EVCP)
Ecology	Comments	Recommends the imposition of conditions to ensure that ecological mitigation and enhancements are implemented, to control site clearance and external lighting, to require re-surveying for protected species and the submission of a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) and to ensure only native species planting are used within mitigation/enhancement areas.
Waste and Recycling	Comments	Concern that cars could park in the designated route for refuse vehicles thereby causing an obstruction during collections. Queries whether any parking restrictions are to be applied to prevent this.

Planning Policy	Comments	Observe that the proposed development is outside of the village confines and that Bugbrooke is defined by the LPP2 as a Primary Service Village (PSV). The development would be in conflict with Policy LH1(2) because it is outside of the village confines and does not fall within any of the exception criteria within this policy. Comparisons have been made between this application and the recently allowed appeals in Middleton Cheney (another PSV). In deciding what weight to give to these decisions it should be noted that the Council can demonstrate a 6.32 year housing land supply (rather than the 5.14 year supply applied in the Middleton Cheney appeals) and regard must be given to 'site specific' factors.
Heritage	No objection	Subject to the imposition of standard conditions requiring approval of materials, fenestration details, architectural detailing etcetera
Building Control	No objection	Radon Protection to be ascertained. All surface water to soak away. Fire Vehicle Access to be ascertained.
Arboriculture	No comments received to date	

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 25 objections raising the following comments (relevant planning concerns paraphrased):

- The development is contrary to the Development Plan policies (i.e. it's outside of the village confines and doesn't fall within any of the exception criteria and there is a healthy housing land supply; contrary to Policy NE3/Green Infrastructure Corridor)
- The recent Middleton Cheney appeals are not relevant to this site as there are material differences between the villages and proposals
- Previous refusals and the dismissed appeal are most relevant to the consideration of this application
- It would set a precedent for development on the opposite side of Litchborough Road
- Existing village infrastructure and amenities will be overwhelmed (schools, doctor's surgery, shop, roads, sewage capacity) particularly when taking account of recent housing developments and approvals for additional housing in the vicinity
- Harmful impact upon historic environment (conservation area/canal and loss of ridge and furrow, inadequate landscaping to canal)
- Harmful impact upon ecology (loss of trees and habitat) and proximity to green infrastructure corridor
- Loss of green space and countryside

- Harmful impact upon the rural setting of the village, SLA and loss of village character (loss of gap between village and canal)
- Highway Safety (increased traffic, dangerous access with poor visibility, inadequate car parking provision)
- Increase air and noise pollution
- Residential amenity concerns (loss of privacy and light for neighbouring residents)
- Surface water flooding of properties off site
- Detrimental impact upon water pressure
- Overdevelopment/out of scale
- Too many large 5 bed houses
- The design and materials for the proposed houses are inappropriate for the area
- Concern that electricity supply to the village would need to be modified
- Inappropriate design (3 storey houses adjacent to the canal)
- Concerns about the footpath link between the site and West End (it would generate a need for dog fouling controls and existing residents of The Glebe, The Leys and West End would experience a loss of privacy and be more vulnerable to crime/disorder, light pollution from street lighting along new footpath)
- Light pollution
- Detrimental impact upon enjoyment of rural countryside
- If permission is to be granted conditions to require the maintenance and protection of hedges along site boundaries should be imposed

7.2. One comment has been received to date making the following observations (relevant planning matters paraphrased):

- Adequate infrastructure needs to be secured to support the development if permitted to avoid further pressure on schools and village amenities

8. APPRAISAL

Principle of Development

Policy Context

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 Bugrooke 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. 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. 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; entry level and single plot exception sites; self and custom built homes; specialist housing; residential and nursing care.

Material considerations

- 8.9. 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.

- 8.10. Firstly, it is noted that policy compliant affordable housing provision has been provided (and could be secured via a legal agreement if the Council were mindful to approve). While Strategic Housing have comments about individual plots and how they are designated, they have acknowledged a need for affordable housing units and have no objections in principle. The scheme would deliver 26 affordable units, going some way to meeting the demonstrable demand. Positive weight is afforded to this.
- 8.11. Secondly, the settlement of Bugbrooke 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.
- 8.12. This designation is shared with four other villages, more notably Middleton Cheney, which 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.
- 8.13. Lastly, it is acknowledged that the only issue with this application, notwithstanding the absence of a draft S106 agreement, 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.
- 8.14. The material considerations, including the benefits of affordable housing as set out in paragraph 8.10, must be considered against the harm to establish whether they justify the Council taking an exceptional approach to the application, notwithstanding the conflict with the development plan.

Hierarchy Matrix & Public Transport

- 8.15. Before a direct comparison is drawn between the two settlements, Officers consider it prudent to address correspondence recently submitted to the Council ahead of the committee meeting. One of the points made within this correspondence is that Bugbrooke actually scores one point higher than Middleton Cheney in the Council's Settlement Hierarchy Matrix. Bugbrooke's score is 82, whereas Middleton Cheney's score is 81.
- 8.16. On face value alone, this figure suggests that Bugbrooke's overall sustainability is actually better than Middleton Cheney's. The conclusion of which is more or less suited, as a settlement, to absorbing substantial new residential development is more nuanced than simply referring to figures within the Matrix. Therefore, it is important to consider why the scores might be different, and why this is (or is not) significant.
- 8.17. The main difference between Bugbrooke and Middleton Cheney is that the former has a GP surgery, providing it a score of '10' on the Matrix for this 'Most Important' service/facility. The GP surgery within Bugbrooke is 1.1km away from the site at The Wharf, which the Council accepts is walking distance, although as will be discussed later on the footpaths within and around the village's core are not consistently welcoming to those who are on foot, and particularly those with mobility issues or who are pushing buggies.
- 8.18. Middleton Cheney has a limited hours GP service, and other GP surgeries are in Banbury around 6km away. It scores a 5, as a result. However, Middleton Cheney 'earns' back

some of the lost points by outscoring Bugbrooke on two 'Less Important' services. Middleton Cheney has a permanent library, scoring two points to Bugbrooke's 0, and it also has a social club, which Bugbrooke also scores 0 on, while Middleton Cheney scores 2.

- 8.19. The question is, therefore, whether Bugbrooke benefitting from a GP surgery within the settlement causes it to be directly comparable to Middleton Cheney in all regards, and, as such, allows the Council to take the same approach with this site as the Inspector did in Middleton Cheney?
- 8.20. Officers remain unconvinced. The Matrix recognises that Middleton Cheney isn't *without* a GP service, simply that it is not available all the time. In addition to this, those needing to travel to Banbury to attend a more available surgery by public transport have access to a more frequent (half-hourly) bus services to both Banbury and Brackley, (the number 500).
- 8.21. Bus services to and from Bugbrooke are less frequent (hourly), and while those attending a GP surgery from the site at the Wharf won't necessarily need to use public transport, when taking an end user's all travelling needs into consideration, Bugbrooke is arguably less well-served by public transport than Middleton Cheney, making it more likely for its occupiers to rely on private vehicle journeys. Its nearest settlement is Northampton; there is no real prospect of Towcester being considered a viable rural service centre alternative as it can only be reached by bus by travelling into Northampton first.
- 8.22. Officers accept that these facts are not necessarily picked up by the Matrix, which applies a score if the settlement has an hourly (or more frequent) service to an urban area or higher order settlement. However, there are clearly material differences in convenience between an hourly and half-hourly bus service, and the options of having access to one or two higher order settlements, to which Officers afford weight given the village's need to absorb significant new development.

Comparisons to Middleton Cheney appeal sites

- 8.23. Officers will now look at other comparative sustainability factors of the settlements of Middleton Cheney and Bugbrooke, noting the Matrix, but providing a more site-specific analysis. This is consistent with the Inspector for the Middleton Cheney sites; in their concluding statements for the Middleton Cheney appeals referenced in paragraph 8.12 the Inspector was very clear that the decisions were made *'having regard to the very site-specific factors relating to this appeal'*. Therefore, the fact that Middleton Cheney and Bugbrooke are both Primary Service Villages (PVs) as designated in the LPP2 does not, by itself, carry significant weight in favour of the scheme before Members today.
- 8.24. In Paragraph 93 of the Waters Lane 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).
- 8.25. Bugbrooke is not as large as Middleton Cheney either in area covered or population. Notwithstanding this, it does benefit from a wide range of facilities and services, including schools, a doctor's surgery and pharmacy, a general store, a takeaway and three public houses.

- 8.26. The two Middleton Cheney sites are located on the eastern side of the village, but relate 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. Middleton Cheney's facilities are somewhat concentrated on the western side of the village, although reaching these 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.
- 8.27. This application site, by comparison, is located on the western edge of the village, in a location that is arguably less associated with its built form and somewhat distant and disconnected from the village core. To travel from the edge of the site to High Street, the main highway that runs through the built-up centre of the village, where there are shops and access to other services, requires a walk of around 700m.
- 8.28. Having had regards for the options available to public highway users, the routes through and around Bugbrooke are little more hostile to users due to the poor quality (or absence of) footpaths through West End and at certain points along Great Lane. These footpaths could likely be particularly unfavourable for pedestrians with buggies or those with mobility issues. The primary school is nearly 900m away, and the secondary school closer to 1.6km, so such infrastructure needs to be in good, usable condition (or exist in the first place) to appropriately encourage use of non-car methods of transport, even within the settlement.
- 8.29. Officers therefore consider the Waters Lane and Thenford Road sites in Middleton Cheney to better-relate to the settlement and are much closer to the main thoroughfare through the village, thus providing pedestrians with more opportunities for accessing the village services on foot. By comparison, occupiers of this proposed site in Bugbrooke are *more likely* to consider using vehicles to visit other services within the village, given the distance they are from the main thoroughfare within the village and, crucially, the relatively poor quality (or lack) of the infrastructure available to utilise walking routes.
- 8.30. Looking at both villages' relative position to higher order settlements now, Bugbrooke is between 4.5m and 6.5m away from larger scale employment and shopping facilities (as an example) on the edge of Northampton (Sainsbury, Sixfields and Tesco Mereway respectively). Northampton Railway Station is around 6m away, although the bus ride is nearly 40 minutes (and requires two buses).
- 8.31. The highway infrastructure around Bugbrooke is a mix of national speed limit two-way country roads and speed-limited dual carriageway. While the highway network is well established, the initial highways are of a lower status ('Banbury Lane' being the main road between Bugbrooke, through Rothersthorpe and into Northampton).
- 8.32. 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.
- 8.33. 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.

- 8.34. Notwithstanding this, the sites at Waters Lane and Thenford Road both benefit from a close relationship to a very large settlement which can be reached via a superior highway network that facilitates faster and easier accessibility to employment and larger scale shopping opportunities. Banbury's railway station can be feasibly accessed via public transport directly from Middleton Cheney, whereas Bugbrooke is further afield and requires two busses, making it a less feasible option. Its public transport options to local employment sites are also less convenient (as discussed earlier – hourly busses instead of half-hourly).
- 8.35. The conclusion from the above assessment of each settlement is that, while they are both PSVs as identified in policy SS1 of the LPP2, and notwithstanding the scores on the Matrix (now identified as being caused by Middleton Cheney's GP surgery not being accessible every day), Middleton Cheney is arguably the more sustainable of the two. The sites appraised by the Planning Inspector are materially better suited to taking advantage of what makes Middleton Cheney sustainable due to their respective relationships to the village, the proximity of the village to higher order settlements and the highway infrastructure that exists between them.
- 8.36. Bugbrooke does undeniably benefit from a wide range of services, nearly comparable with Middleton Cheney (and it does have a fully accessible GP surgery), and Officers stress that the purpose of this appraisal is not to argue that it is an *unsustainable* location in the broader sense.
- 8.37. Instead, it is submitted that due to this particular site's relationship (i.e. its distance) to the village core, the poorer public transport services (less frequent busses to a single larger settlement vs more frequent busses to two larger settlements), the lower number and quality of footpaths and walking opportunities between the site and the settlement's services and facilities, and the distance from higher order settlements (combined with lower grade highway infrastructure), it is not appropriate to draw parallels between this and the Middleton Cheney appeals.
- 8.38. As such, the '*very site-specific factors*' that caused the appeals to succeed in Middleton Cheney should not be afforded weight as part of the decision-making process for this application in Bugbrooke.

Greens Norton appeal decision

- 8.39. Officers have had sight of an appeal decision (APP/Z2830/W/21/3267906) which was recently issued, dismissing an appeal against a resolution to refuse permission for up to 69 dwellings outside the settlement confines of Greens Norton, a third category Secondary Village (A). This settlement scores much lower than either Bugbrooke or Middleton Cheney in respect of the Matrix referred to earlier (64).
- 8.40. Of interest within the Inspector's decision is the heavy focus on the adverse impact of permitting development that would result in future residents '*relying on the private motor car to access regular requirements such as education, shops and employment*'. This statement (paragraph 19) was made in respect of the absence of suitable walking and cycling routes to higher order settlements, and in this regard, Officers concede that neither Middleton Cheney nor Bugbrooke would score highly in this regard either.
- 8.41. The two settlements being compared in this report are admittedly better equipped with services and facilities in the first place, particularly in terms of education. Larger shops – supermarkets – and larger scale places of employment, however, are comparably (if not more poorly) located relative to Greens Norton, which is only 2 miles from Towcester (Banbury is further from Middleton Cheney, and Northampton is further from Bugbrooke).

- 8.42. Taking walking and cycling out of the equation, but considering instead public transport, which Officers consider to be equally important in terms of reducing the reliance on private motor vehicles, Bugbrooke undoubtedly falls behind Middleton Cheney with its less frequent bus service, and longer travel times to the larger settlement of Northampton. Particularly, when distances to other forms of public transport are considered (i.e. railway stations), Middleton Cheney is far superior.

Affordable housing

- 8.43. Turning to another factor that appeared to heavily influence the outcome of the Middleton Cheney 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.'

- 8.44. Officers do not have any figures before them to demonstrate whether the under provision of affordable housing has been measurably addressed since the preparation of the Middleton Cheney appeal hearing and decision. Given the relatively short period of time that has elapsed between the two, 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.
- 8.45. While Officers agree that affordable housing provision should be afforded weight, it is questioned whether the same 'significant' weight should be applied.
- 8.46. Firstly, as discussed in the paragraphs above, the accessibility of the site relative to the two sites in Middleton Cheney in respect of proximity to the village, services within the village, higher order settlements etc, is inferior, notwithstanding the designation 'Primary Service Village'. While the settlement is not unsustainable, the location is not as accessible, *relatively speaking*, and as such less weight (albeit by a small degree) should be given to the securing of affordable housing in this location.
- 8.47. Secondly, and arguably of more importance, is the 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.
- 8.48. 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 (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.
- 8.49. More pertinently, two recent appeal decisions in Milton Malsor and Blisworth (APP/Z2830/W/21/3269904 – Lower Road Milton Malsor and APP/Z2830/W/21/3270614

– Land off Northampton Road Blisworth) sought to challenge the Council's housing land supply, and in both cases failed. The Development Plan has therefore very recently been robustly tested and confirmed as being up-to-date, with the Council benefitting from a housing supply in excess of 6 years. The Council is therefore correct to determine proposals for housing in accordance with the Development Plan as required by the NPPF.

- 8.50. In that context, despite the material considerations weighing in its favour (i.e. the relative sustainability of the settlement, the provision of affordable housing), the harm caused through the conflict with the development plan must be afforded significant weight.
- 8.51. A further concern is that in referring to the delivery of 50% affordable housing as a reason to support a market-led scheme that is *contrary* to the development plan wholly 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.
- 8.52. Therefore, in addition to generally undermining the adopted spatial strategy, which has very recently been confirmed to remain up to date, by affording such weight to a market-led scheme's delivery of affordable housing that it forms a basis for supporting the scheme, the Council risks more severely undermining adopted policies within that plan that are attempting to meet that need in a policy compliant fashion.

Conclusion

- 8.53. 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.
- 8.54. A detailed summary and final conclusion will be provided in the Planning Balance and Conclusion section.

Layout and Design

Policy Context

- 8.55. The NPPF recognises the importance of delivering well-designed, attractive and healthy places. The creation of high-quality buildings and places is considered fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Achieving high quality design is also a key strategic objective of the Council's with appropriate policy safeguards set out in both LPP1 and LPP2.
- 8.56. Policy H1 of LPP1 seeks to deliver an appropriate mix of house types, sizes and tenures and for development to have regard to the site's location and setting; existing character and densities and living conditions.

- 8.57. Policy SS2 of LPP2 sets out general development and design principles and seeks to protect the identity of its towns and villages; to ensure that development integrates with its surroundings and distinctive local character; provides a safe, accessible and inclusive environment; includes integral landscaping and sensitive lighting; provides a good standard of amenity, safe and suitable access and contributes to a healthy community.
- 8.58. South Northamptonshire Council adopted a Design Guide in 2017 which is a material planning consideration for all development throughout the district. This document establishes a benchmark for high quality design standards for new development; improves understanding of the specific character and context of South Northamptonshire and brings greater certainty to the design element of the planning process to help speed up delivery and maintain a high quality of development within the District.

Assessment

- 8.59. The applicant has worked collaboratively with officers to produce a development which accords with the Council's adopted Design Guide; amending the proposals in response to issues raised by the case officer and responses to the consultation.
- 8.60. The development seeks to respond to the canal-side and edge of village context, as well as to the adjacent developments. Established boundaries are retained and can be reinforced with appropriate landscaping, mature trees are retained, new connections are proposed to the existing PROW along the canal and an additional footpath is created along a desire line which would link the development to West End and another PROW. A landscaped buffer will be retained and enhanced on the southern boundary adjacent to a new SUDS/attenuation pond and dwellings have been oriented to face outwards on all site perimeters except where they are backing on to the rear boundaries of existing dwellings.
- 8.61. The dwellings are primarily arranged as outward facing perimeter blocks or to ensure that defensible, private amenity space is provided as a buffer for the rear gardens of existing houses (i.e. 'back-to-back') in accordance with good urban design principles.
- 8.62. Public amenity space is quite limited on site and focussed on buffers to the site's southern and northern edges and to a small play area located in the centre of the site. The site also has direct and easy access to the wider public rights of way network.
- 8.63. Parking is primarily provided on plot and accords with the Council's adopted standards. Each individual property (excepting one of the flat over garage (FOG) units) has a reasonably sized outside garden and space for bin/cycle storage.
- 8.64. The Parish Council and local residents have raised concerns about parking provision. The number of parking spaces complies with the Council's adopted Parking SPD 2018 (2 spaces for 1-3 beds and 3 spaces for 4 and above beds) as does the size of spaces. The Design Guide states that parking should usually be on-plot, to the side of a dwelling and the Parking SPD states that; "*On-plot tandem (in line) parking is less convenient than spaces positioned side by side. This is because one vehicle often has to be moved out into the road to allow the other to exit. However, although side-by-side parking is preferred, on many new developments it is accepted that density and space constraints mean that it is not viable for all units. Tandem on-plot parking will therefore be acceptable.*" It is noted that tandem parking is also evident on the adjacent development and is not uncharacteristic.
- 8.65. Parking courts are also accepted to be a reasonable option in the Parking SPD as long as they are small, secure, well-lit, conveniently placed and have room to manoeuvre.

- 8.66. The homes are designed in the rural 'vernacular' with narrow gable spans, steeply pitched roofs and detailing which reflects the Design Guide. Almost all homes have chimneys (except the bungalows); window proportions and architectural detailing have been carefully considered and also largely comply with the Design Guide. 19 of the properties will be finished in natural stone, including 10 of the affordable units. Design of the affordable units overall is tenure-blind. Where parking courts are used, they are few and far between, small, well overlooked and suitably hard surfaced.
- 8.67. Although a Boundary Treatments plan has been supplied, treatments to the fronts of dwellings are not specified at present. Rear boundaries with existing residential properties are proposed to be 1.8m high close-boarded fences which would maintain security and privacy for existing and future occupiers. Enclosures that are prominent within the public realm and around parking courts are proposed to be brick walls which will create a high-quality appearance for the development in the interests of visual amenity.
- 8.68. A colour palette for front doors has been submitted which complies with the Council's Design Guide.
- 8.69. There has been some local concern raised about the proposed 3 storey dwellings adjacent to the canal. This house type was provided by the applicants in response to comments made by Heritage and planning officers and the Canal and Rivers Trust (CART). The use of three storeys is thought to better reflect the existing Wharf building on the opposite side of the canal and is typical of other canal-side buildings that can be found in the district (e.g. Stoke Bruerne, Kislingbury, Blisworth). Following an amendment to make the front of the balconies flush with the front wall of the building officers and CART are content that this design is appropriate in this location.

Conclusion

- 8.70. The scheme is welcomed in design and layout terms and demonstrates compatibility and integration with its surroundings and the distinctive local character of the area in conformity with development plan policies and the adopted Design Guide.

Heritage Impact

Legislative and policy context

- 8.71. The site is within and affects the setting of a Conservation Area.
- 8.72. 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.
- 8.73. 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.
- 8.74. 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 LPP1 echoes this guidance.

- 8.75. Policies HE1, HE5 and HE6 of LPP2 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.

Assessment

- 8.76. The application is supported by an Archaeological and Heritage Assessment supplied by the applicant. This concludes that with suitable measures, such as the reinforcement of the pre-existing planting along the Site boundary and the sensitive design and maintenance of the SuDS, the effect of the proposed development on the Grand Union Canal Conservation Area would be neutral. It also concludes that the development would not be harmful to the Bugbrooke Conservation Area.
- 8.77. The applicants have responded to comments from Officers and the Canal and River Trust (CART) and revised the scheme to remove harmful impacts upon the conservation area and to ensure that the scheme would be sympathetic. The Heritage Officer is content that the amended design and layout would not result in any harm to the significance of the conservation areas. Similarly, the Canal and River Trust are also satisfied that the proposed development would not be detrimental to the character and appearance of the canal conservation area subject to the retention of the existing hedge and suitable landscaping.
- 8.78. In terms of archaeology the County Archaeologist has no objections to the scheme subject to a standard condition to require appropriate investigation and recording thereby ensuring that the development would not result in the loss of anything of archaeological significance.

Conclusion

- 8.79. Assuming that a suitable, detailed, soft landscaping scheme can be provided for the boundary with the canal it is considered that the impacts of the proposed development will not be detrimental to the significance of heritage assets in accordance with development plan policies BN5 of the LPP1 and HE1, HE2 and HE6 of the LPP2. The applicants soft landscaping plan demonstrates that the existing tree/hedge boundary is beyond their site and therefore this will not be affected by the development. A condition can be imposed to require further details of soft landscaping treatments for the site boundaries.

Landscape and Visual Impacts

Policy Context

- 8.80. 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.

- 8.81. 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.
- 8.82. The Catesby, Fawsley, Maidford and Litchborough Special Landscape Area (SLA) lies to the east of the site on the opposite side of the canal which forms the eastern site boundary so consideration should be given to Policy NE2 (SLAs) of the LPP2. The policy itself refers only to developments that are within an SLA and not adjoining but the preamble to the policy does state that: “*Any development proposal within or affecting an SLA will be expected to be sympathetic in terms of its siting, form, scale, materials and design and to contribute positively to the conservation, restoration or enhancement of the area’s character and appearance*” (Officer’s emphasis with underline).

Assessment

- 8.83. The application is accompanied by a Landscape Visual Appraisal which concludes that no landscape impact as a result of the development would be ‘substantial’ although there would be a number of major/moderate adverse effects on viewpoints within or immediately adjacent to the site in the short-term. It notes that there would be no material effect upon the wider landscape.
- 8.84. An independent review of an earlier version of this appraisal submitted in support of the previous planning application suggests that some of the effects may have been downplayed slightly and that the assessment could be more thorough. It was recommended that the existing hedge 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.
- 8.85. Since the earlier appeal for 70 dwellings on this site was dismissed in 2012 there has been a material change in the character and appearance of this part of the village due to the construction of residential developments at Peace Hill and The Glebe. These developments extended the built-up confines of the village, which is reflected in the extension of the village confines boundary in the recently adopted LPP2. Whilst previously a development on this site would have been somewhat disconnected from the main built-up extent of the settlement the site is now directly adjacent to an existing residential area. Officers consider that the proposed scheme would represent the logical infilling of gap between the edge of the village confines and the defensible boundary of the canal. The southern building line formed by The Leys, The Glebe and Bugbrooke Marina would not be breached by buildings from this development.
- 8.86. Views from and towards the canal and SLA are only glimpsed through the existing hedge and additional planting along this boundary would help to limit the impacts upon the landscape to the west. The topography of the land to the north and existence of existing residential development to the east mean that there would be only very limited landscape/visual impacts when viewing the site from these directions. There would be some longer distance views of the site from the south, but these would be fairly limited, and the proposed scheme would be seen as a continuation of the existing village. Additional planting to the south and in the vicinity of the existing copse and proposed attenuation pond would soften the appearance of the development.

Conclusion

8.87. With conditions to ensure that soft landscaping along the canal boundary and southern site boundary are to be protected, retained and augmented Officers consider that the landscape and visual impacts of the development upon the wider landscape and adjoining SLA would not be so significant as to justify refusing permission.

Affordable Housing

Policy Context

8.88. The Council's affordable housing requirements as set out in LPP1 amount to 3,300 between 2011-2029; or 183 units per annum. The West Northamptonshire Strategic Housing Market Assessment (SHMA) 2010 highlights the increasing shortfall of affordable housing across West Northamptonshire.

8.89. Policy LH8 of LPP2 establishes the requirements for the on-site delivery of affordable housing. In the rural areas of South Northamptonshire 50% affordable housing is required to be delivered. The policy also requires affordable housing to be dispersed throughout the site and for the mix to comprise 70% rent/30% affordable home ownership.

Assessment

8.90. The applicant proposes 50% of the proposed dwellings to be delivered on site as affordable housing in accordance with the development plan, amounting to 26 units.

8.91. In Bugbrooke, there is no up-to-date parish level housing needs survey which can be relied upon to identify current need. However, the Council's Housing Register is a "live" waiting list and this shows a continuing strong need for affordable rented housing of all types/sizes in Bugbrooke. In total, 41 households have indicated that they would consider being re-housed in Bugbrooke. There is a broad mix of need from 1 bed flats to 4 bed houses.

8.92. The Register only includes those households who are eligible for rented housing. It does not include those interested in shared ownership. However, the register held by the regional HomeBuy agent shows significant interest in shared ownership properties across the district.

8.93. Strategic Housing have confirmed that they support the number and mix of affordable dwelling types proposed and that the proposals accord with Policy H2 of the LPP1. Policy LH8 of LPP2 requires that 70% of the affordable homes proposed should be for rent, whilst 30% should be for shared ownership. This would result in 18 of the 26 units being for rent and 8 for shared ownership. The developer has identified that this tenure mix will be applied in their Accommodation Schedule but the amended Site Layout Plan still incorrectly identifies that Plots 43 and 48 are 3 beds rather than 2 beds as recommended. Assuming that this can be amended the proposals would accord with Policy LH8.

8.94. The applicant responded positively to the Council's Strategic Housing Team's earlier requests in respect of the dwelling types and the application includes 2 x 4 bed homes for rent; an affordable housing type that is much needed in the district.

8.95. The affordable homes meet new national technical standards in respect of size, are suitably integrated in two small clusters through the site and are tenure blind in accordance with adopted Policy LH8.

Conclusion

- 8.96. Having regard to the above the proposed development will make positive steps towards meeting both a district-wide and a locally identified affordable housing need and the proposals comply with the relevant development plan policies in this respect. On this basis the council's Strategic Housing Team have no objection to the application.

Residential Amenity

Policy Context

- 8.97. Policy SS2 of LPP2 requires development to result in a good standard of amenity for its future occupiers in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration; and to 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. The Council's Design Guide provides guidance on residential amenity.

Assessment

- 8.98. A number of existing homes will be affected by the development, notably those on The Glebe and Peace Hill. Those properties who will share a rear garden boundary with the development will be most affected (7 in total). The closest distance between existing and proposed rear elevations will be between the properties on The Glebe and would range from between 18m to around 25m. The Design Guide recommends a minimum back-to-back distance of 18m and a minimum garden depth of 9.0m. The proposed dwellings that back on to The Glebe would have gardens which exceed 9.0m deep (over 15m) so although two existing dwellings (No's 10 and 14 The Glebe) have very shallow gardens (less than 3.0m) the facing rear windows would be at least 18m apart in accordance with our Design Guide. In light of this it is considered that the privacy enjoyed by existing and future occupiers would be acceptable.
- 8.99. There is one conflict with the Design Guide where the rear first floor bedroom window of Plot 41 would be approximately 17.75m from the side facing, first floor, living room window of Plots 39-40 (maisonette). This is only slightly below the 18m minimum set out in the Design Guide and bearing in mind that this is a secondary, single window to the living room it is not considered that a refusal based on a lack of privacy for future occupiers could be sustained in this instance.
- 8.100. Details have been provided to show proposed 1.8m high close boarded fences to the rear garden boundaries with existing residential dwellings on the eastern boundary (i.e. The Firs and properties on Peace Hill and The Glebe). This would ensure that existing and future residents have adequate privacy.
- 8.101. Occupiers of The Glebe and The Leys have also raised concerns about the proposed footpath link to West End which would run along the rear garden boundaries of these dwellings. Although there is currently no PROW along this boundary there is an existing public footpath that runs through this field. Whilst it is acknowledged that there would be increased footfall in closer proximity to the existing properties as a result of the footpath link it is not considered that this would result in a significant loss of privacy or in increased noise nuisance or disturbance. In arriving at this view it is noted that this field is already regularly used by walkers on the existing PROW and it must also be borne in mind that its current authorised use is for agriculture which could allow for relatively noisy movements of motorised agricultural vehicles and the keeping of livestock.

Conclusion

8.102. The proposed development would not result in any serious loss of privacy, light or outlook for future occupiers or for existing neighbouring occupiers and therefore the application accords with Policy SS2 of LPP2 and the adopted Design Guide.

Ecology Impact

Legislative context

8.103. 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.

8.104. 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

8.105. 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.

8.106. 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.

8.107. 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.

- 8.108. Policy NE3 of LPP2 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.
- 8.109. Policy BN2 of LPP1 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

- 8.110. 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 range of habitats mainly of low ecological value, with the hedgerows, scrub belt, plantation woodland and grassland being the habitats of greatest ecological importance on site. The surveys showed no evidence of the site being utilised by protected species; however, the habitats do have the potential to support some protected species e.g. badgers and bats. A range of mitigation measures are detailed which will be consolidated into a final CEMP to be conditioned.
- 8.111. 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.
- 8.112. 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.
- 8.113. Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, if the mitigation measures contained within the Ecological Impact Assessment and supporting appendices, future CEMP and LEMP are carried out fully and successfully then the development proposals are unlikely to have a significant effect on habitats or protected species.

Conclusion

- 8.114. 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.

Highways

- 8.115. 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.
- 8.116. The NPPF also requires provision of a safe and suitable access for all users. Para 109 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

- 8.117. Access – The access would be taken from Litchborough Road to the north of the site where there is a 30mph speed limit and an existing paved footway. To the west of the proposed access the road rises to a summit on the canal bridge and to the east the road slopes gently downwards towards the village. In response to Local Highway Authority (LHA) comments on the previous application traffic calming has been included with the current proposals to include: drop kerbs and tactile paving on both sides of the access and the footpath to adjoin to the West End now joins the proposed development at the turning head. Whilst local residents have raised concerns about forward visibility to the west due to the canal bridge it is noted that the LHA have no objections to the access subject their technical approval under S278. The implementation of the traffic calming can be secured by condition.
- 8.118. Traffic Generation – Whilst the Transport Statement forecasts that the majority of movements associated with the development would be by car (over 80%) the overall number of additional daily trips would be relatively low; generating a total of 341 two-way vehicle trips based upon 52 dwellings. In light of the comments of the LHA, Officers have no reason to question the conclusion of the Transport Statement. The amount of additional traffic movements resulting from this development would not have a detrimental impact on the local highway network.
- 8.119. Accessibility – Bugbrooke is on the route of the hourly D3 bus service between Northampton and Daventry. Bus stops are located on Great Lane approximately a 2-minute walk from the site. The village benefits from many amenities (e.g. primary and secondary schools, cricket club, pharmacy, doctor's surgery, football club, community centre, rugby club, post office, shops etc...) and the site is situated a 20-minute walk (approximately) or less from these.
- 8.120. PROW – The proposals include the creation of two new connections between the site and the existing canal towpath. Details of how these would be created are required to ensure that character of the conservation area is preserved and that the existing hedge is not compromised but this could be secured by a condition. The addition of a new footpath to connect the site to West End would also provide a new route for pedestrians linking footpath KD/003 and the canal (footpath KD/021).

- 8.121. Parking – This matter is covered in paragraphs 8.20, 8.21 and 8.22 above but essentially the proposed parking complies with the adopted Parking SPD and the LHA have not raised any concerns about the parking arrangements as shown on the amended layout plan.

Conclusion

- 8.122. The application site is within an accessible location with sustainable travel opportunities available to future residents and visitors. The village amenities are located approximately a half mile to 1 mile walk to the east of the site. The village centre, and bus stops, can be easily accessed via Litchborough Road/Great Lane or via West End if using the proposed footpath link.
- 8.123. Parking arrangements comply with the Council's adopted SPD and Design Guide.
- 8.124. The LHA do not raise objections to the principle of development and there is no reason to suggest that a safe and suitable access cannot be achieved, that the development would result in significant or severe impacts on the highway network or have an unacceptable impact on highway safety. Conditions can be imposed to ensure that the access and parking/manoeuvring arrangements are implemented satisfactorily.

Flooding and Drainage

Policy Context

- 8.125. LPP1 Policy BN7 requires appropriate flood risk assessment to be completed and for development not to result in an increased risk of flooding to existing or proposed properties. Policy BN7A of the LPP1 requires new developments to have adequate and water supply and wastewater infrastructure. Policy SS2 of LPP2 requires development to be adequately serviced with infrastructure and to consider

Assessment

- 8.126. The majority of the site (including all of the areas where dwellings are proposed) lies within Flood Zone 1 (low probability of flood risk from rivers). Just a small part of the site (where part of the proposed footpath link and attenuation pond are proposed) lies within Flood Zones 2 and 3 (medium and high risk of flooding from rivers). There are also some areas within the site than are identified as holding surface water run-off in extreme weather events. The Parish Council and local residents have expressed concerns about flooding both within and outside of the site and have provided anecdotal evidence about recent flooding in the vicinity of the proposals and a worsening of off-site flooding from surface water in the past 12 to 18 months.
- 8.127. The applicants' Foul and Surface Water Drainage Strategy addresses the former concerns expressed by the SWDT (in respect of the previous application) that insufficient information had been provided regarding the handling of surface water. The SWDT are now satisfied that the Strategy is acceptable subject to the imposition of conditions. These would require the submission and approval of a detailed surface water drainage scheme, a scheme for its maintenance and a verification report for the installed surface water drainage system. Anglian Water also have no objections to wastewater being discharged into the public sewer.

Conclusion

8.128. The FRA and Drainage Strategy demonstrate that the surface water and foul water resulting from the development could be dealt with via SUDS within the site and discharge into the public sewer. The SWDT and Anglian Water have no objections regarding the proposals for SUDS or foul water treatment subject to the imposition of standard conditions to require the submission and approval of detailed schemes. The development therefore accords with the relevant development plan policies.

Local Infrastructure and S106 Obligations

Policy Context

8.129. Policies INF1 and INF2 of the LPP1 as well as Policy INF1 of LPP2 require new development to be supported by appropriate infrastructure.

Assessment

8.130. Notwithstanding the Council's recommendation, the application would have an impact on the following infrastructure which may need to be improved and/or enhanced as a result of the development. A Section 106 agreement would therefore need to accompany any permission that was granted.

- Primary Education provision – Bugbrooke Community Primary School would most likely serve the development. However, the school is currently operating above the recommended Department for Education's capacity thresholds. With current forecasts indicating continued high levels of demand for places based on birth rate and three-year trend data alone it is expected that there will not be sufficient capacity within existing provision to be able to accommodate the likely number of pupils generated from this development. On this basis, a s106 obligation from this development towards enhancing and increasing the provision of Primary Education infrastructure and capacity in the area will therefore be required to ensure that the children generated by this development can be accommodated within a local school. Based on the DfE's cost multipliers the development should provide a contribution of **£141,754** to mitigate the impacts of the development.
- Secondary Education provision – NCC have requested that a contribution is made via S106 towards Campion School which is currently operating close to DoE's recommended capacity. SNC's Infrastructure Funding Statement makes it clear, however, that funding for secondary education should come from CIL and therefore Officers contend that a separate sum of **£155,395** should NOT be sought via S106.
- Library provision – the County Council have requested a contribution of **£10,602** which is required to contribute towards improvement, enhancement or expansion of library facilities to serve the development.
- Off-site highway improvements – the LHA requests the installation of traffic calming scheme (details to be agreed). This would need to be secured in the s106 agreement alongside other necessary works to create and connect the site access and footpaths to the existing network. The Parish Council also request a 20mph traffic order and have asked for the provision of a link road to connect Heygates to junction 16 of the M1. (*Officer's Note: it is not considered that a new link road or a contribution towards a link road or a tie to prevent commencement prior to its delivery would be reasonably related in scale or necessary to make*

the scheme acceptable. Therefore, such a request would not meet the required tests).

- Affordable Housing Provision – the development would need to provide on-site affordable housing at 50% with a split between 70% social/affordable rent and 30% intermediate tenures.
- Healthcare Provision – NHS Northamptonshire CCG have advised that whilst traditionally s106 requests made by health to support new developments have been centred around the capacity and development needs of a single GP Practice, there is now a move towards new health care models on a larger scale involving multiple organisations including primary care. These organisations will focus collectively, rather than separately, on the needs of the local people they serve, with general practice being at the heart of patient care. This change is driving the way that estates health infrastructure is developed, therefore whilst CCGs/NHSE&I still require infrastructure investment to be made by developers to cover the health needs of the new population brought to the area, the precise location of the Practice providing additional services cannot always be identified at the point when the initial response is made to a planning application. Practices in the area have already formed groupings known as Primary Care Networks (PCNS), and under the NHS Direct Enhanced Service they have established and formalised agreements. Primary care networks are based on GP registered lists, typically serving natural communities of around 30,000 to 50,000 and will build on the core of current primary care services to enable greater provision of proactive, personalised, coordinated and more integrated health and social care. PCNs will act as the vehicle for the delivery of the local services across primary, community, secondary and social care services. Bugbrooke Surgery is the nearest facility to the development and is therefore most likely to be affected and require existing premises to be developed to accommodate growth. A total of circa **£26,437.04** would be required towards this.
- Refuse and recycling provision - **£70 per dwelling** for provision of bins (index linked).
- Financial contribution to provision and maintenance of off-site playing fields.
- Provision and maintenance of on-site play and open space facilities.
- Financial contribution to the Parish Council towards the additional cost of a PCSO. Bugbrooke Parish currently share a PCSO with Nether Heyford on a 2/3 – 1/3 basis, however the additional development would result in Bugbrooke needing to have a full time PCSO at an additional cost of **£16,000** per year.
- Financial contribution to Bugbrooke Sports and Community Association to assist in the provision of additional facilities at the centre. Amount TBA.
- Financial contribution to the Parish Council for village enhancement – to provide additional facilities – bins, seats etc, or such other items as the Parish Council may deem would improve the quality of life for residents. Amount TBA.

Conclusion

8.131. The development would result in a need for improvements and enhancements to local infrastructure in order to mitigate its impact. These contributions and provisions would

need to be included in a S106 Agreement and/or secured by conditions attached to any permission.

- 8.132. In the absence of a S106 agreement the Council must add a further reason for refusal to the decision notice.

9. FINANCIAL CONSIDERATIONS

- 9.1. This development, if approved, is liable to pay the Community Infrastructure Levy of £121.40 per sqm of gross internal residential floor area as set out in the South Northamptonshire Council Charging Schedule.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The paragraphs 8.1 – 8.40 ('Principle') explore whether the site before the Council today is comparable to two sites in Middleton Cheney that were recently granted approval at appeal. This exercise sought to establish whether there are very site specific factors that justify the Council taking an 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, notwithstanding Bugbrooke's status as a Primary Service Village and whether or not it is as sustainable as Middleton Cheney, the provision of affordable housing should be afforded such significant weight as to outweigh the harm arising through the technical conflict with the development plan.
- 10.3. Officers find that Bugbrooke and Middleton Cheney are not directly comparable in terms of sustainability, and that differences in the site's relative relationships to the settlements and proximity to services, infrastructure and other high order settlements cause there to be no particularly important site-specific factors that add positive weight to the scheme.
- 10.4. Officers are also concerned that supporting market-led schemes outside the settlement confines such as this one serve to undermine the spatial strategy, which has recently been tested through two recent appeals in Milton Malsor and Blisworth whereby the housing supply figures have been challenged unsuccessfully.
- 10.5. Furthermore, the Council has recently adopted policies which are intended to encourage the delivery of affordable housing through (for example) exception sites. To offer support to market-led schemes that offer much less affordable housing than what could be provided as policy compliant schemes on the same (or other) sites serves to undermine those policies.
- 10.6. The Council must determine the application in accordance with the development plan, and in this instance the scheme is contrary to the policies within this plan. The harm caused through the conflict with the development plan is therefore considered to outweigh any material considerations that might weigh in the scheme's favour. The principle of development is unacceptable at a fundamental level, and as such should not be supported.
- 10.7. The application should be refused.

11. RECOMMENDATION & REASONS FOR REFUSAL

11.1. RECOMMENDATION – REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposal fails to comply with the Council's adopted Development Plan

which seeks to direct new residential development to the most sustainable locations within the district. Specifically, the proposal is a market-led housing scheme located outside of the settlement confines and does not comply with any of the exceptional policies listed within the South Northamptonshire Local Plan Part 2 that offer support to development outside of the confines of settlements. 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. Having considered all relevant material considerations, including the relative sustainability of the settlements, and the site's specific location within the settlement, the provision of affordable housing and outcome of recent appeal decisions, it is concluded that the harm caused through this application's conflict with the development plan exceeds any considerations that weigh in the application's favour. Therefore, the proposal fails to comply with policy LH1 of the South Northamptonshire Local Plan Part 2 and policy R1 of the West Northamptonshire Joint Core Strategy.

- 2. 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 proposed development provides for appropriate infrastructure, facilities and services required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to policy INF1 of the South Northamptonshire Local Plan Part 2 and INF1 of the West Northamptonshire Joint Core Strategy.**

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