



Daventry Local Area Planning Committee

A meeting of the Daventry Local Area Planning Committee will be held at the Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 11 May 2022 at 6.00 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 - 12) To confirm the Minutes of the Meeting of the Committee held on 9 th February 2022.
4.	Chair's Announcements To receive communications from the Chair.
Planning Applications	
5.	Planning Application - WND 2021/0717 Boughton (Pages 17 - 38)
6.	Planning Application - WND 2021/0746 Brixworth (Pages 39 - 54)
7.	Urgent Business The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.

8.	<p>Exclusion of Press and Public</p> <p>In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: "That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them"</p>
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Catherine Whitehead
Proper Officer
3 May 2022

Daventry Local Area Planning Committee Members:

Councillor Kevin Parker (Chair)	Councillor Alan Chantler (Vice-Chair)
Councillor Daniel Cribbin	Councillor Rupert Frost
Councillor Rosie Humphreys	Councillor Daniel Lister
Councillor Peter Matten	Councillor Wendy Randall
Councillor Cecile Irving-Swift	

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Marina Watkins / Jeverly Findlay, Democratic Services via the following:

Tel: 01327 302236 / 01327 302324

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
Lodge Road
Daventry
NN11 4FP

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Daventry Local Area Planning Committee

Minutes of a meeting of the Daventry Local Area Planning Committee held at Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 9 February 2022 at 6.00 pm.

Present Councillor Kevin Parker (Chair)
 Councillor Alan Chantler (Vice-Chair)
 Councillor Rupert Frost
 Councillor Rosie Humphreys
 Councillor Daniel Lister
 Councillor Peter Matten
 Councillor Wendy Randall
 Councillor Cecile Irving-Swift
 Councillor Phil Bignell

Substitute
 Members:

Also Councillor Jo Gilford
 Present: Councillor David Smith
 Councillor Charles Morton

Apologies Councillor Daniel Cribbin
 for
 Absence:

Officers Justin Price-Jones, Planning Lawyer
 Chuong Phillips, Principal Planning Officer
 Katherine Daniels, Principal Planning Officer

35. Declarations of Interest

Councillor Cecile Irving-Swift declared an interest in application DA/2017/0826 as an acquaintance of the father of the one of Doctors at the surgery.

Councillor Rosie Humphreys referred to a letter that had been circulated to the Members of the Committee that stated that Councillor Rupert Frost had supported application DA/2017/0826 publically. The Chair advised that that it was incumbent upon Members themselves to declare an interest. Councillor Frost advised that he had discussed the matter with the Monitoring Officer and believed that although the matter was finely balanced, he considered that he was able to take part in the discussion.

Councillor Jo Gilford declared an interest in application DA/2017/0826 as she worked for the NHS.

36. **Minutes**

RESOLVED:

That the Minutes of the Daventry Local Area Planning Committee of 10th January 2022 be approved and signed as a correct record.

37. **Chair's Announcements**

The Chair announced that due to a change in the Constitution Members of the Committee would now be able to ask questions of the speakers.

38. **Planning applications**

Consideration was given to the report detailing the planning applications which had been previously circulated.

RESOLVED:

That, subject to the variations set out below, the advice set out in the report now submitted be agreed.

39. **Application DA/2017/0826 Byfield**

DA/2017/0826 BYFIELD – Outline application for new medical centre and residential development – Land at Woodford Road

The Principal Planning Officer drew Members' attention to the late representations received from the practitioners and the Highway Authority that had been emailed directly to them.

The Principal Planning Officer outlined the proposal for a new medical centre in Byfield with means of access and 78 dwellings on an agricultural field. There were currently long open views from the west of Church Street to Woodford Halse. And an historic retaining wall running along the boundary of the field which was considered to be an important feature of the street scene. From the Woodford Road there was a well-established hedgerow which provided screening which was reduced in the winter.

The initial application for the site had sought consent for 90 houses and the medical centre. Following an independent viability assessment the number of houses that were now proposed had reduced to 78. The original application had also proposed two means of access to the site and strong concerns had been raised regarding the impact of one of these on the historic wall and the significant engineering works that would be required. The new application proposed only one access from Woodford Road. Indicative drawings had been received there were remaining matters of landscape, layout, appearance and scale which were reserved.

Members were advised that the application had been deferred by the Daventry District Council Planning Committee in January 2020 and the following information

was requested: 1. details, scale appearance and layout of the medical centre; 2 more definitive details of costs of the medical centre; 3 to determine whether additional funding would be required; 4 the level of occupation of the dwellings required for the financial contribution for the medical centre ; 5 consideration by the owner as to whether the land would be gifted to the community 6; the impact of the development on the highway and mitigation secured and 7 the timing of the implementation of that mitigation. Since that application had been considered the Settlements and Local Plan Part 2 had been adopted and the National Planning Policy Framework had been revised. Members had to give regard to all these material considerations.

It was undisputed that the site lay outside of the confines of the village and the application was therefore contrary to policy RA6 which allowed for development only if it was essential to the community in an appropriate location. Although it was acknowledged that the surgery was an essential service, the land and building would remain in private ownership. Officers were not convinced that the current surgery was under threat of closure, although it was acknowledged that it was undersize for the current patient list. The comments received from the Care Quality Commission (CQC) stated that they had no plans to close the surgery. The current surgery was considered to be acceptable for the current needs of the residents.

The provision of the housing as an enabling development to provide the medical centre was a mechanism that could be used but the public benefit would have to be demonstrated. The proposed 78 dwellings were contrary to development policies and any harm that this development would cause needed to be weighed against any potential public benefit of the surgery. Concerns had been raised by the Conservation Officer and Landscape Officer and they considered that the development would result in harm to the character of the village. The most recent appeal for an application on the site had been refused and there were 4 previous appeals for development on the site that had also been refused. Plans for the proposal had only been received in outline only but it was not considered that the benefits of the surgery would outweigh the harm caused by the additional housing and its consequent impact on the highway network and highway safety. The Highway Authority had objected to the application because the Fiveways Roundabout was already over capacity and this had not been addressed by the applicant. New developments would only be permitted if the infrastructure was in place or the mechanism to deliver the infrastructure was going to be put in place. The applicants had failed to supply the information requested by the Highway Authority.

The proposed new surgery would require 50% of the contribution to be paid prior to the commencement of the development. The applicant had advised that a mortgage for £800,000 would be raised to cover the costs but the construction costs of the proposed surgery had not been submitted. As the applicant was seeking to provide the surgery using an enabling development to provide finance, they must provide the complete costs for the whole scheme up front. The surgery would remain in private ownership once it had been built and it would cause some harm to the form of the village, but this was considered to be less than substantial. However the proposed enabling development of 78 houses would cause harm to the heritage and landscape of the area.

Arguably only new patients that joined the surgery would add to the traffic capacity on the Fiveways Roundabout and this alone was not significant. However the enabling development and the associated increase in traffic movements would create a severe impact on the road network. If the applicant could demonstrate that the surgery was deliverable then this would weigh in its favour, however the harm of the housing and the detriment to highway safety outweighed any benefits the surgery would provide.

Maria Thompson and Rodger Peach spoke against the application. John Gillic spoke on behalf of Byfield Parish Council and Geri Rowe spoke on behalf of Woodford-cum-Membris Parish Council. Councillor Jo Gilford, the local ward Member, who had called in the application, addressed the Committee. Councillor David Smith, another local ward Member addressed the Committee. Rachel Johnston spoke as the Chair of Byfield Patient Participation Group. Chris Hatfield spoke in support of the application. Dr Robert Harvey, the applicant, addressed the committee.

The speakers responded to the questions Members raised. John Gillic advised that there had been a number of meetings in Byfield village and the residents would welcome a new medical centre but considered that on balance too much harm would be caused by the enabling development required to provide the surgery.

With regard to the number of patients at the current surgery, Councillor Jo Gilford stated that there were 8,000 patients on the list and there should only be 4,000 patients. As a result she was led to understand that the patient list would be closed. The Chair referred to page 20 of the agenda and the comment from the Care Quality Commission that they would only close premises as a last resort and only if there was a significant risk to patient safety.

Further to discussion, Rachel Johnston referred to the difficulties that older patients had in accessing the current surgery due to the parking and the steep slope.

Further to enquiries from Members, Dr Harvey explained that the current surgery could not be extended and that the treatment rooms were not up to current standards. The CQC agreed with this assessment but had not suggested that the surgery be closed. One of the practice doctors had left in October; across the NHS it was difficult to attract doctors.

The Principal Planning Officer clarified that the £800,000 referred to would be in addition to the cost required to be carried out on the highway junction. The enabling development would determine the timescale of construction and influence the costs of the surgery. Members had requested that the applicant provide details of the cost in January 2020 and they had not provided all the details or the timescales. As a result no conditions had been able to be determined nor the Section 106 agreement secured.

Councillor Peter Matten considered that a guarantee needed to be provided as to what the centre would cost, how the community would secure the future of the centre and that the applicant should liaise with the highway authority. Councillor Matten proposed that the application be refused; which was seconded by Councillor Rosie Humphreys.

Councillor Wendy Randall considered that many people would not be overly concerned about the standard of the surgery as their priority was to be seen by a doctor. As the much larger village of the two, Woodford Halse needed the medical centre. There was no safe walking route from Woodford Halse to Byfield so patients from Woodford would have to drive. Councillor Randall had contacted the CQC who had advised her that they would not close the current surgery as they had a duty of care to the patients. If the current doctors left the surgery, new doctors would be sought. Councillor Randall raised concerns that if the new surgery was built at a cost of £1.25 million and it remained in private hands, it could close in the future and the community would lose the asset.

Dr Harvey stated that the architect had outlined the costs of the new surgery at £2million. The Principal Planning Officer advised that no detailed costings had been provided nor the timescale for delivery, which would impact on the costings. The details of the highway mitigation also need to be costed.

Councillor Phil Bignell proposed that the application be approved and that the outstanding matters be conditioned regarding the highway mitigation and the information regarding the enabling development. This was seconded by Councillor Daniel Lister.

Councillor Cecile Irving-Swift considered that there was, in effect, no difference between the two proposals as the proposal to approve the application acknowledged that there were unresolved issues that needed to be addressed. The majority of the impact of the development would affect Byfield village and Councillor Irving-Swift proposed that the application be deferred again as the lack of information meant that Members could not make an informed decision. The Principal Planning Officer highlighted that open ended conditions could not be requested as Officers may not be able to secure them.

Councillor Peter Matten considered that Members would be in a better position to vote in favour of the application if they had all the information that had been requested. The Highway Authority had raised serious concerns about the impact of the application. Councillor Matten withdrew his proposal to refuse the application so that the application could be deferred.

The Council's Legal Advisor highlighted that the normal process by which planning applications were considered involved negotiations to agree conditions and Section 106 contributions. If there were no conditions or Section 106 agreement, as in the case, there was no clarity as to what would be provided if the application were approved. If it was approved there was no solution approved to deal with the highway safety issues that would occur if the scheme was built.

Further to an enquiry, the Principal Planning Officer advised that the applicant had provided heads of terms but the Highway Authority had not agreed to them and the scheme would result in the Highway Authority having to carry out works on their land.

The Chair suggested that a hybrid application could be sought but all costs would need to be provided. The Principal Planning Officer considered that the applicant could provide a hybrid application and separate the application for the surgery fully costed, then Officers could determine whether there was sufficient funding to deliver

the surgery. This would be a full application and the housing application could be considered as an outline application. The concerns regarding highway safety and impacts would still need to be addressed.

It was noted that if the applicant submitted an appeal it could take two years for this to be heard and they had not provided the information requested by Members previously which would go against them.

Councillor Phil Bignell withdrew his proposition to approve the application and considered that the application should be deferred so that a hybrid application could be submitted.

Councillor Peter Matten, having withdrawn his previous proposal, proposed that the application be deferred so that a hybrid application could be submitted by the applicant. The residential application would be in outline and the full costings of the surgery would need to be provided together with satisfactory measures to address highway concerns. Councillor Rosie Humphreys, as the seconder of the original proposition agreed. Councillor Phil Bignell seconded Councillor Matten's new proposal. The proposition was put to the meeting and declared carried unanimously.

RESOLVED:

That the application be deferred so that a hybrid application could be submitted by the applicant; the residential part of the application to be submitted in outline and a full application for the new medical centre including all the costings and measures to address highway impacts and safety.

40. **Application WND/2021/0174 Guilsborough**

WND/2021/0174 – Guilsborough – Demolition of existing bungalow and garage. Construction of 2 storey dwelling and garage to rear of site and single storey dwelling to frontage – The Skerries, High Street

The Principal Planning Officer outlined the application for the demolition of the existing bungalow and garage to be replaced by a two storey dwelling and garage and a single storey dwelling. The existing bungalow benefitted from an extant permission to create a second storey to create a 4 bed dwelling. The site was in the confines of the village and the Highway Authority had raised no objections to the proposal. The main concerns were with regard to the impact on residential amenity, overlooking and loss of light. The rear garden of the bungalow was substantial and Rose Cottage overlooked this garden. The flats above the village store had glazed windows on their eastern elevation and their amenity would not be adversely affected by the scheme.

The Principal Planning Officer noted that Members had received a recent communication from the objectors but this had not been sent to Officers.

Paul Mynard and Martin Pett spoke against the application. David O'Neill spoke on behalf of the Parish Council. Councillor Charles Morton, one of the local ward

Members, addressed the Committee. Pat Dooley, the agent, addressed the Committee.

Councillors asked the neighbours and the representative from the Parish Council questions.

Councillor Phil Bignell considered that the view from Rose Cottage would be altered significantly by the proposal. Further to an enquiry from Councillor Peter Matten, the Principal Planning Officer advised that a loss of a view was not a planning consideration. Officers considered that the application was acceptable.

Councillor Alan Chantler considered that the new bungalow would be in line with the adjacent property and therefore the impact on the street scene would not be significant. Councillor Chantler did not consider that the impact on Rose Cottage would be unacceptable and proposed that the application be approved, this was seconded by Councillor Rosie Humphreys.

Councillor Rupert Frost proposed that the application be refused as he considered that it would have an adverse impact on neighbouring properties and was contrary to policies R1 and RA2 C, ENV 10 and the Guilsborough Neighbourhood Plan. Councillor Phil Bignell seconded the proposal adding that the scale of the development would impact on the neighbours' amenity.

Further to an enquiry, the Principal Planning Officer advised that between the proposed new dwelling and Rose Cottage there would be a distance of 16 metres, but Rose Cottage was at an oblique angle.

Councillor Daniel Lister considered that there would be a loss of amenity for the neighbours due to the change in the gradient and this would particularly affect Elm Tree House.

Councillor Phil Bignell added that the site was in the historic core of the village. Policy R1 allowed for housing development if as a result there would be an environmental improvement or if local services were under threat. This application would not result in an environmental improvement and would result in a loss of privacy for the neighbours.

The Principal Planning Officer advised that the impact on amenity was considered acceptable by Officers. The scale and massing of the proposed 2 storey dwelling could be used as a reason for refusal but the bungalow was at the front of the site and obviously only single storey.

The proposition to approve the application was put to the meeting and declared lost with 2 voting in favour and 7 against.

The proposition to refuse the application was then put to the meeting and declared carried with 7 voting in favour and 2 against.

RESOLVED:

That the application be refused for the following reasons:

The proposed development, by reason of its scale massing height and layout, would have an overbearing impact on the neighbouring dwelling, Paddock View, an adverse impact on the character of the locality and streetscene and would not constitute environmental improvement, contrary to policy R1(i) of the West Northamptonshire Joint Core Strategy, policies RA2.C.(i) RA2.C.(iii), RA2.C.(vi), ENV10(iii) and ENV10(viii) of the Settlements and Countryside Local Plan and policy 3(a)2.ii of the Guilsborough Neighbourhood Plan.

.....Chair

The meeting closed at 9.15 pm

Chair: _____

Date: _____

PLANNING APPLICATIONS

PLANNING AGENDA

11-May-2022

BACKGROUND PAPERS

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

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

List of Planning Applications on this Agenda

<u>Application Number</u>	<u>Location</u>
WND/2021/0717	Boughton
WND/2021/0746	Brixworth

The latest version of the National Planning Policy Framework was published and came into force on 20 July 2021 and took immediate effect for decision making on planning applications superseding the previous version.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

The presumption in favour of sustainable development remains:

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 219 states:

...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the case of the Daventry Area of West Northamptonshire Council, this includes the West Northants Joint Core Strategy 20 July 2021, and the various neighbourhood plans that had been made before 19 February 2019.

Significantly, following the decision of the Council to adopt the Settlements and Countryside Local Plan (part 2) for Daventry District on 20th February 2020 the saved policies of the Daventry District Local Plan 1997 now fall away as they are superseded. Adopted supplementary planning documents and guidance can continue to be given weight where they are in accordance with the new Local Plan and the NPPF and National Planning Guidance.

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<u>Application Number</u>	WND/2021/0717
Location Description	LAND OFF HOLLY LODGE DRIVE, BOUGHTON, NORTHAMPTONSHIRE
Site Details	OUTLINE APPLICATION FOR CONSTRUCTION OF UP TO 65 DWELLINGS ALL MATTERS RESERVED EXCEPT ACCESS, COMPRISING 40% AFFORDABLE HOUSING, COMMUNITY HUB (CLASS E/F), PARKING, LANDSCAPING & ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING STRUCTURES ON SITE.
Applicant	MULBERRY LAND
Agent	ICENI PROJECTS
Case Officer	MRS K DANIELS
Ward	MOULTON WARD
Reason for Referral	MAJOR APPLICATION
Committee Date	11 MAY 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The development is an outline application for construction of up to 65 dwellings, all matters reserved except access, comprising 40% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site.

Consultations

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

- Local Strategy, Boughton Parish Council, Kingsthorpe Parish Council, CPRE, minerals and waste, Northants Badger Group

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

- Environmental Health, Environment Agency, landscape, Highways, Archaeology, Ecology

12 letters of objection have been received including the MP

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
- Impact upon the character and appearance of the locality
- Affordable Housing
- Ecology
- Archaeology
- Highway Safety

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

1. The site is outside of the Northampton Related Development Area (per Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan) and the proposal is contrary to Policies S1, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies RA6, ENV1, as it proposes new build residential development in open countryside, where there is a presumption against such development unless it is essential for the purposes of agriculture or forestry. No such exceptional circumstances have been demonstrated to justify development in the open countryside and such development would erode the open countryside, the intrinsic character and beauty of which should be recognised (per paragraph 174 of the National Planning Policy Framework) and would not constitute sustainable development within the meaning set out in the National Planning Policy Framework and having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan.

2. The housing requirement for the Daventry Rural Areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development.

3. Notwithstanding the applicant's stated intention to enter into a Section 106 agreement, in the absence of a completed legal agreement, or unilateral undertaking, the applicant has failed to

demonstrate that suitable planning obligations can be secured to mitigate the impact of the proposed development in terms of infrastructure and other requirements (including the required percentage – 40% – of affordable housing) (other than those items that would be provided through the Community Infrastructure Levy) policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy Local Plan. In the absence thereof, the Council considers that the development is unacceptable in planning terms.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The site has an area of 2.89 ha. It comprises land in use as a paddock, including a stable building with metal sheeting for its walls and roof, on the north-west boundary of the field. The boundaries to the paddock are variously wire and post and rail fencing and hedgerows with sporadic trees. Along the road frontages, there is a largely continuous hedge, typically 2-3m high, although there are some views into the site from Holly Lodge Drive, as the road is, in part, at a higher level than the site.

There are two field gates, one at each end of the site. A Public Right of Way (ProW) runs to the east of the site, from Boughton Green to Boughton Green Road.

There are no designated heritage assets within the site, but within the wider local area there are a number of designated assets, including the Church of St John (scheduled and listed and the nearest such asset to the site); other listed buildings/structures; the registered parkland of Boughton Park; and the Boughton village conservation area.

To the north-east of the site is a disused paddock that was part of a previous application DA/2015/1185, with Boughton Green beyond the north-west is open, agricultural land between the site and Boughton village. To the south-east of the site, on the other side of Holly Lodge Drive, is a housing development (Dixon Road/Rowley Way). Beyond this development is further residential development and a covered reservoir with a water tower and radio mast. There is a footway/cycle path along the southern side of Holly Lodge Drive.

Beyond the remaining part of the south-east boundary, on the other side of Boughton Green Road, are office and other employment uses that form part of the Moulton Park Industrial Estate, which is within the former Northampton Borough. The former Park campus of the University of Northampton lies further to the south-east – the university has relocated to the centre of Northampton and residential development has commenced.

Beyond the south-western extremity of the site is an extensive area of housing that is known generally as the Obelisk Rise development, which is within the former Northampton Borough area. However, between this development and the site there are some long rear gardens and paddock areas that are within the former DDC area. Generally, the existing residential development that is in the immediate area of the site comprises predominantly detached and semi-detached dwellings.

Holly Lodge Drive is an “A” road (A5076). At its western end, it connects with the A508 (Northampton – Brixworth/Market Harborough road) and at its eastern end it meets Talavera Way, at the roundabout which forms the entrance to Moulton Park Industrial Estate. From that roundabout, the A5076 continues through the industrial estate, towards Round Spinney Roundabout, on the A43 (Northampton-Kettering) road.

Boughton Green Road is part of the local highway network and connects with the A508 in Kingsthorpe district centre to the south-west and provides a local route to Moulton Park Industrial Estate and Boughton and Moulton villages.

CONSTRAINTS

The application site is within the open countryside, within a green wedge.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development is an outline application for construction of up to 65 dwellings, all matters reserved except access, comprising 40% affordable housing, community hub (Class E/F), Parking, Landscaping and associated works including demolition of existing structures on site.

RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/2015/1185	Outline application for up to 110 residential dwellings (including up to 35% affordable housing) convenience store with 200sqm of retail space (Class A1) associated uses and parking,	Withdrawn

	Demolition of existing buildings and structural planting and landscaping, informal open space and play area, surface water mitigation and attenuation and associated ancillary works.	
DA/2016/1144	Outline application for up to 75 residential dwellings (including up to 35% affordable housing) Demolition of existing buildings, introduction of structural planting and landscaping, informal open space and play area, surface water mitigation and attenuation and associated ancillary works.	Refused (Appeal Dismissed)

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Settlements and Countryside Local Plan (Part 2) adopted February 2020. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant policies of the LPP1 are:

- Policy SA Presumption in Favour of Sustainable Development
- Policy S1 Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.
- Policy S3 Provision to be made for about 18,870 additional dwellings in Northampton Borough and about 12,730 dwellings in Daventry District for the period 2011 – 2029.
- Policy S4 Northampton Related Development Area
- Policy S5 Sustainable Urban Extensions
- Policy S10 Sustainable Development Principles
- Policy RC2 Community Needs

- Policy H1 Housing density and mix and type of dwellings
- Policy H2 Affordable housing
- Policy H4 Sustainable Housing
- Policy BN5 The Historic Environment and Landscape
- Policy INF1 Approach to infrastructure delivery
- Policy INF2 Contributions to infrastructure requirements
- Policy N1 The Regeneration of Northampton
- Policy R1 Spatial Strategy for the rural areas

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

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- HO8 – Housing mix and type
- ENV1 – Landscape
- ENV3 – Green Wedge
- ENV7 – Historic Environment
- ENV10 – Design
- ENV11 – Local Flood Risk Management

Material Considerations

Below is a list of the relevant Material Planning Considerations

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

RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
Boughton Parish Council	Objection	1. The Council note the historic planning applications that have previously been rejected for this site. As the proposed application is a mere reduction of 10 dwellings, it is difficult to agree that it is significantly different. However, the Council have assessed the site on its own merit and need only quote the current Design & Access Statement to highlight why it should be rejected. 2. Reference to the following key policies within the Local Plan has been made to guide the design...ENV3: Green Wedge

		<ul style="list-style-type: none"> • The applicant states “following the described pattern of growth for the Northampton conurbation, the application site now presents itself as the next natural development phase”2 • Paragraph 9.2.01 of the Local Plan (Part 2) states Boughton.... has a distinctive character and it is important that this character is not harmed by urban expansion or coalescence. • Paragraph 9.2.03 states The emphasis for Policy ENV3 is, therefore, to ensure that the areas are kept open around settlements and to prevent coalescence. • The site sits within the Green Wedge. Therefore, it is in direct conflict with policy ENV3. • The site is also contrary to Local Plan (Part 2) Policies SP1, RA2 and RA6 as it proposes a residential development of new buildings beyond the existing village confines. <p>Page 20 of the Design & Access Statement 2 Page 30 of the Design & Access Statement 3.</p> <p>3. The location of the site has been shown to be sustainable when considering access to and from the site by modes of travel other than the private car, particularly walking, cycling and public transport</p> <ul style="list-style-type: none"> • Gov.uk website shows from 2015-19, an average of 19% of people had no access to a car or van. This is the same figure from 2002-2006.3 • Clearly there is no trend in people using other modes of travel so the site being sustainable on this basis is irrelevant. • The application should consider the reality that a significant proportion of households in fact own more than one car. • It is estimated that in 2020, 36.15m of British households owned one car and 25.7m owned two cars. 17m households owned no cars. <p>4. Describing the impact on Highways as not “severe” and negligible is wholly disputed. See the figures above.</p> <ul style="list-style-type: none"> • If vehicles are able to turn right out of the site to travel down Holly Lodge Drive, then the proposal is extremely dangerous. Holly Lodge Drive is a 40mph road and
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		<p>cars travel at speed across the roundabout and onto Holly Lodge Drive. This would be an accident waiting to happen.</p> <ul style="list-style-type: none"> • Queries are also raised about how you would access the site when approaching from the roundabout. A righthand turning into the site is likely to cause significant congestion to an already highly congested road network. • An adverse impact on noise and air pollution with the additional traffic movements is inevitable. <p>5. The application makes several references to walking distance to Northampton University and page 23 of the Design & Access Statement shows an area outlined as Northampton University.</p> <ul style="list-style-type: none"> • It is understood that Northampton University sold the campus to Permission Homes. • Their site plan shows 671 dwellings to be developed which are not only within walking distance of the site, but it is within the designated and agreed Northampton Related Development Area (NRDA). • This casts significant doubt on the applicant's basic due diligence. It also means that they have not factored in the increased pressure that the substantial infill development will have on the Highways when considering the area to be sustainable. 3 https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/car-or-van-ownership/latest 4 https://www.statista.com/statistics/304290/car-ownership-in-the-uk/ <p>6. The site sits adjacent to the NRDA.</p> <ul style="list-style-type: none"> • Precisely the point, it sits adjacent to it, not within it. • This site was previously put forward as an omission site as part of the West Northamptonshire Joint Core Strategy (WNJCS) and it was not accepted for inclusion by the Inspector. <p>7. The WNJCS, whilst adopted in 2014, was recently endorsed by the three partnering councils in January 2020.</p>
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		<ul style="list-style-type: none"> • No changes were proposed as recently as January 2020. Therefore, the confines of the NRDA continue to be deemed an acceptable boundary. The site does not sit within the boundary. <p>8. As can be seen on the OS map of the present day, little additional growth of either Boughton or Moulton has taken place</p> <ul style="list-style-type: none"> • Suggesting Moulton has seen little growth is baffling. Moulton Parish Council report that they have seen over 1,000 dwellings of infill development alone. This does not include the impact of 3,500 dwellings from the North Northampton SUE, which sits adjacent to them. • Boughton historically had a population of under 1,000 residents (not dwellings). The historic village has in recent years seen planning permission granted for 1,050 dwellings at Buckton Fields (Northampton North of Whitehills SUE). Only this year, they have seen an additional 85 dwellings approved at the SUE. • 9. The applicant refers to Section 5 of the NPPF (July 21) – delivering a sufficient supply of homes. • The Local Plan (Part 2) states Daventry District being able to demonstrate a land supply in excess of 5 years, a position that has been supported by several Inspectors at appeals across the District, and by the Secretary of State in dealing with a called-in appeal. <p>10. The applicant emphasises the desirability of a flexible mixed-use community hub/retreat.</p> <ul style="list-style-type: none"> • The Parish Council are due to take on the responsibility of the local community centre to be built at Buckton Fields. • The Parish also benefits from use of the community village hall. • The Parish does not need a third facility to manage at the expense of the parishioners. <p>11. The Parish Council support and recognise the need for affordable housing. However, this should be in areas that have the appropriate infrastructure to support it.</p> <ul style="list-style-type: none"> • The site sits on the periphery of Boughton and directly adjacent to the parish of
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		<ul style="list-style-type: none"> • Kingsthorpe which is densely populated and suffers from significant traffic congestion. • As affordable houses would not attract a CIL payment the reduction in infrastructure that could be provided by this site would only exacerbate existing problems e.g. to name just a few;- the congested traffic and the overstretched doctors surgery. • E.g. the site sits within the Royal Parks Primary Care Network (PCN) which covers a • population of 34,542 in comparison to the adjacent MWEB PCN which only covers • 31,395. <p>Spatial Options Consultation</p> <p>Whilst the Council oppose the application and the proposed spatial options, it is interesting to note that site (identified as site 200 in the options consultation) refers to an approximate housing number of 50.</p> <p>It is also worth while noting that should development be granted within the area, applying a piecemeal approach is likely to result in significant defects in the local infrastructure. Should development of the site take place, it should form part of the masterplan for the area in line with the spatial options.</p>
Kingsthorpe Parish Council	Objection	Local Infrastructure cannot cope
Michael Ellis MP	Objection	Impact on local road network and development would lead to further congestion.
NHS (CCG)	Comments	Not sufficient capacity therefore recommend financial contribution of £33 046.30
National Highways	No Objection	
CPRE	Objections	Raise concerns regarding the development and application should be refused. Application site has been subject to an appeal which was dismissed
Crime Prevention Design Advisor	No objections	Recommends a number of crime prevention measures to be considered at the reserved matters stage.
Environment Agency	No objections	
Development Management	No objections	Insufficient early years spaces, primary and secondary school places. Request funds of £258 180 for early years, £258 180 for primary school and £229 000 for secondary school.

		Requirement for library contributions of £15 535. A condition regarding fire hydrants
Minerals and Waste	Objection	How does the proposal meet Policy 30 of the Minerals and Waste Local Plan. The site is within the separation area for WL7 under Policy 13.
Northants Badger Group	Objection	Development will have a negative impact upon the badger habitat
Ecologist	No objections	Recommends conditions
Archaeology	No objections	Recommends condition relating to a prior to commencement trial trenching in accordance with the submitted Written Scheme of Investigation
Environmental Health	No objections	Recommend conditions are imposed relating to noise, air quality and contamination.
Landscape	No objections	I have now had an opportunity to look at the latest application for this site for 65 dwellings as well as two previous applications DA/2015/1185 and DA/2016/1144. The latest proposal is for the smallest number of dwellings all be it on the same site as the previously application which was refused at committee and subsequently dismissed at the resulting appeal. This proposal has reduced the number of dwellings by 10 which has allowed a greater opportunity for landscaping in the eastern section of the site adjacent to Boughton Green Road north of the roundabout. I have included my comments for the original application DA/2015/1185 that was included in the Committee report, that application also included the northern field where the public footpath bisects, now excluded from this application. The existing hedges, in particular those along the northern and north western boundaries are well established preventing views of the field from the north and east. In addition the Landscape Masterplan indicates a provision for additional planting along the northern, south eastern and southern boundaries. In addition as outlined below in my previous comments the field (site) sits below the land south of Holly Lodge Drive. As a result when looking toward the site from north and east the existing properties of Dixon Road and roofs beyond dominate the skyline and would still be visible beyond the site should the site be developed. The south western corner of the site appears to have been planted up which would provide a buffer around an existing footpath.

		<p>It is important that the properties nearest to the sites north western boundary are set at a sufficient distance from the existing boundary hedge and associated planting. It would appear that the rear gardens end at the hedge. The layout needs to take account of the importance of the hedge and not allow it to be under the ownership/responsibility of the properties in order to prevent it from being cut down, removed or even replaced by a fence. If as I assume the proposed green open spaces within the site fall under the on going care of a management company so should the north western hedge as it needs to be safeguarded long term and have consistent management.</p> <p>I believe there is opportunity for substantial and meaningful landscaping, large areas already allocated on the Landscape Masterplan, though much consideration would be needed in the detail of the planting as well as the importance of the ongoing retention of the sites boundary hedges, as previously I do not object to this application in landscape terms.</p>
Conservation	No Comments received	
Lead Local Flood Authority	No comments received	
Highways	No objections	The Transport Assessment is currently under review, but have no objection to the proposed development
Local Strategy	Objections	<p>Daventry area has a 6.3 year housing land supply. The proposed development is considered to be in conflict with policy S1 (A) of the WNJCS having regard to the context of that policy. In addition it is considered to be in the rural area where criterion D is relevant where there is both conformity and conflict. Regarding policy S4, which allows additional development beyond the SUE's where it meets the vision, objectives and policies of the WNJCS it is evident that there is specific conflict with S10 (i) and N1 (b) and R1 (c). Furthermore the proposal does not feature the policy compliant amount of affordable housing, contrary to policy H2 of the WNJCS.</p>

	<p>Focusing on the part 2 local plan policies it is evident that there is conflict of the proposed development with policy SP1, RA6 and potentially ENV2.</p> <p>Therefore, because of the conflict with the development plan the proposed development is not, in principle, supported.</p>
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RESPONSE TO PUBLICITY

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

There have 12 letters of objections raising the following comments:

- Increase in traffic
- Lack of information
- What sort of houses will be built
- What will be community hub be used for
- Crime Prevention concerns
- Hours of working during construction
- University is closed down and housing is being constructed on the site
- Lack of archaeology information
- Previously been dismissed at appeal
- Overdevelopment of the land
- Impact on biodiversity
- Air Pollution
- Lack of GP surgeries
- Impact on character and appearance of the locality
- Coalescence with Northampton

APPRAISAL

Principle of Development

Policy S1 of the WNJCS sets out the over-arching spatial strategy, by identifying how development and economic activity will be distributed. Within the policy, criterion A) notes that development will be concentrated primarily in and adjoining the 'principal urban area' of Northampton. That term is not defined, but Policy S4, concerning the Northampton Related Development Area, makes reference to Northampton's housing needs being met primarily within Northampton's existing urban area and at the sustainable urban extensions within the NRDA boundary. The site, whilst adjacent to the NRDA, does not fall within either of those categories and on that basis, one then has to go to criterion D) of Policy S1 (criteria B) and C) are not applicable). Criterion D) notes that new development in the rural areas will be limited, with the emphasis

being on four objectives set out in the policy. The spatial strategy for the Rural Area is then addressed specifically in Policy R1.

As well as referring to a rural settlement hierarchy, Policy R1 sets out the requirements for all residential development in rural areas, by reference to seven criteria, one of which is that the development should be within the existing confines of the village. Development outside of the confines will be permitted under the policy, but only in the circumstances described in the policy. The final part of the policy sets out the criteria that have to be met for housing development to be permitted, once the housing requirement for the rural areas has been met.

In terms of the requirements for all residential development in rural areas, it is considered that the proposed development:

- would (insofar as can be judged at the outline stage) be capable of providing for an appropriate mix of housing, including affordable housing (criterion A), but see below regarding the quantum of affordable housing);
- Cannot be fully assessed at this stage in terms of whether it preserves areas of historic importance (see below, regarding archaeology); and does affect an area designated as being of environmental importance, in that it is within green wedge (criterion C);
- Subject to any subsequent detail, would be capable of protecting the amenity of existing residents (criterion D); and
- promotes some, but not all, aspects of sustainable development (criterion F) – see below).

However, the development would not satisfy criterion G), as it is not within the existing confines of a village. Neither criterion B. (would not affect land of particular significance to the form and character of the village) nor criterion E. (is of an appropriate scale to the existing village) would apply, because the site is not within or directly adjacent to Boughton village.

Outside of the village confines, policy R1 permits residential development where it involves the re-use of existing buildings (not applicable here) or, in 'exceptional circumstances, it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy'. The residents of the proposed development could help to maintain existing rural services and facilities; and the development would provide direct employment (through construction jobs) and indirect employment (through residents' expenditure locally). However, this could be the effect of any significant residential development and there is no evidence that the development is essential to securing the objectives set out in this part of R1.

More critically, when the housing requirement for the rural areas has been met – as is now the case – regard has to be had to the five criteria set out in the last part of policy R1, in respect of which a proposed development has to satisfy at least one of the first two criteria and at least one of the remaining three:

i) Would result in environmental improvements – an existing building (stabling) occupies a very small area of the site. Whilst that small, specific area might be viewed as previously-developed land (PDL), the re-use of which is encouraged by the Framework, it is very much ancillary to the use of that field for grazing horses and the site as a whole could not be viewed as PDL.

Consequently, the proposed development would fundamentally not involve the re-use of previously developed land but it would involve the loss of undeveloped open land.

ii) Is required to support the retention of, or improvement to, essential local services that may be under threat – whilst, as noted above, the development could contribute generally to the maintenance of local services, it is not the case that any of these are currently known to be under threat and/or that the proposed development is required to support them.

iii) Has been informed by an effective community involvement exercise – the application was accompanied by a statement of community involvement (SCI).

iv) Is a rural exceptions site – this does not apply to the proposed development.

v) Has been agreed through an adopted neighbourhood plan – this does not apply to the proposed development.

Overall, therefore, the proposed development does not comply with Policy R1.

The previous appeal (DA/2016/1144) stated the following in paragraph 27 of the Planning Inspectorates decision:

'However as no substantive evidence is before me to demonstrate that the proposal would undermine the regeneration of Northampton, the proposal would not conflict with Policy N1. That said, the absence of conflict with Policy N1 would not outweigh or prevent the conflict of the proposal identified in respect of JCS Policies S1, S4 and R1. Consequently, based on the conflict of the proposal with Policies S1, S4 and R1, the proposal would not accord with the vision, objectives or development strategy of the JCS.'

Since the appeal decision, the Settlements and Countryside Local Plan Part 2 (LPP2) has been adopted. In addition, at the time of writing the report, the Daventry Area has a 6.3 year Housing Land Supply.

LPP2 Policy SP1 sets out the spatial strategy for the Daventry District or Area, and how development will be distributed around the area. Similar to WNJCS Policy S1. Development should be focused on the following:

A. Focusing development at Daventry town to deliver its regeneration and reinforce its role as the sub-regional centre of West Northamptonshire and its ability to support the surrounding communities;

B. Allowing for development that is consistent with the approach relating to the Northampton Related Development Area in policy S4 of the WNJCS.

The proposal does not focus development at Daventry, therefore the proposal would not satisfy criterion A. The site is located within the open countryside, albeit on the edge with Northampton Town.

The development is not within the NRDA area, the previous appeal inspector also concluded the site was not part of this area; therefore, the proposal would not satisfy the requirements of SP1.

LPP2 Policy RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. This restricts development within the open countryside to a certain type of development, namely re-using existing buildings within the open countryside for the purposes of a rural worker (i), the replacement of an existing building on the same footprint, bulk and use (ii), individual dwellings that are innovative (iii), the optimal use of a heritage asset (iv), the re-use of a redundant or disused building that leads to an enhancement (v), extensions to existing buildings which respect their form and character (vi), essential investment in infrastructure including utilities (vii)

The application does not meet any of these requirements; therefore, the proposal does not accord with Policy RA6 of the LPP2. Further consideration on the impact on the character and appearance is considered below.

Overall it is considered that the principle of development should not be supported. It is closely related to existing development on the edge of Northampton; however, the site is not within the NRDA area. Development on this site should not be supported unless other material considerations indicate otherwise.

Impact on Character of Area

LPP1 BN5 relates to the Historic Environment and Landscape. This seeks for development to be sympathetic to the locally distinctive landscape features, design styles and materials in order to contribute to a sense of place (3). The application is in outline format, so there is potential that the development could sit well within the site. The Landscape Officer has offered no objection to the proposal, and the development could sit well within the site. The masterplan allows for extensive planting, however further consideration would have to be had to this at a later stage if outline planning permission was granted.

LPP2 Policy ENV1 seeks to ensure proposals maintain the distinctive character and quality of the districts landscape. This policy also seeks to ensure that development does not have a hard edge to edges of development. The Landscape Officer has no objection to the scheme, and according to the masterplan the development could result in a development which has a soft edge to the open countryside.

LPP2 Policy ENV3 states; 'To protect the identity, character and setting of settlements within the areas that fringe Daventry and Northampton, proposals within the Green Wedges will be required to demonstrate that they would maintain the physical and visual separation between settlements.' (A).

There is an argument that the proposed development would try and seek to retain the physical and visual separation between villages. It is noted that the Landscape Officer has no objection to the proposal, likewise had no objections to the previous applications. The Planning Inspectorate considered that the site is an important space. Within paragraph 7 of the planning inspectorate's decision, it states:

'When viewed from public vantage points along the adjoining section of Holly Lodge Drive, Boughton Green Road and the public right of way, the site has a close visual relationship with the wider countryside. Whilst built form is to the west at Reynard Way, intervening domestic gardens, fields visually separate it from the site. This visual separation from Reynard Way and the vegetated roadside boundary along this section of Holly Lodge Drive further reinforces the close visual relationship of the site with the wider countryside. The vegetated roadside boundary of the site and surrounding boundaries, combined with the topography of the site and adjoining fields, provide a defined visual edge that defines the urban form of Northampton and the open countryside. The site makes a positive contribution to this defined visual edge and to the open countryside within which it is located.'

Paragraph 12 of the inspectorate's decision goes on to state;

'In reaching this view, I acknowledge that the Council's Landscape Officer raises no objection to the proposal in landscape terms. However, for the reasons given above, I disagree that additional landscaping, existing boundary vegetation, ridges to the north and North West, and the elevated housing to the immediate south would fully mitigate the impact of the development. It follows that I cannot agree that the proposal would improve the appearance of the site.'

The application is for 10 less houses than the previous scheme, and it is providing a shop/community building. Although this is the case, and the fact the Council's Landscape Officer does not offer any objection to the proposed development, great weight needs to be given to the Planning Inspectorates decision notice. There will be harm to the character and appearance of the locality. Therefore, consideration has to be had whether there is any other material considerations outweigh the harm to the locality.

Affordable Housing

LPP1 Policy HO2 relates to affordable housing, which requires sites outside the NRDA and over 5 dwellings to provide 40% of affordable dwellings. At present

the proposal seeks to provide 25 dwellings as affordable. This is under the 40% - 26 dwellings are required in this instance.

It is likely that the proposal could be made compliant with the affordable housing, and if outline permission is granted a S106 can be entered into so the development would provide sufficient affordable housing and at the correct tenure.

At present the proposal does not accord with LPP1 HO2.

Impact on Highway

The applicants have worked with Highways to overcome initial concerns regarding the Transport Statement. Therefore based on the information it is unlikely the development will result in a danger to those using the highway.

Biodiversity

LPP1 Policy BN2 supports development that will enhance and maintain existing designations and assets or deliver a net gain in biodiversity will be supported.

LPP2 Policy ENV5 supports proposals that conserve and enhance designated and undesignated sites and species of national and local importance for biodiversity.

The applicants have submitted ecological surveys to assess the impact of developing the site, and the ecologist has considered these findings. The ecologist, provided conditions are imposed on any approval, is satisfied the proposal will not have a detrimental impact upon biodiversity.

Surface Water Drainage

LPP1 Policy BN7 seeks to ensure developments will comply with Flood Risk Assessments to ensure the development does not exacerbate the situation elsewhere. Developments should mitigate against its own impacts.

LPP2 Policy ENV11 seeks to manage flood risks.

At the time of writing this report, no comments have been received from the Lead Local Flood Authority. Therefore, it is unknown whether the proposal will have an adverse impact to the flooding. Although it is noted that the previous applications were not refused on this basis. This application is for a smaller development therefore it is unlikely to result in a detrimental impact on flooding.

Minerals and Waste

Concern has been raised that the proposed development would not accord with the minerals and waste local plan Policy 30. Although this is noted, and this was not used as a previous reason for refusal. It would be unreasonable for the Council to refuse the application on this basis.

Archaeology

Concern has been raised regarding the impact on undesignated heritage assets. The previous applications have not been refused on this basis. In addition the archaeologist considers that a condition for a pre-commencement survey would be appropriate in this case.

FINANCIAL CONSIDERATIONS

The proposal will be CIL liable, however this is unknown as the proposal is in outline form only CIL would be applied at Reserved Matters stage. Therefore at the present time the CIL liability is not known. There are other financial considerations on this particular application, including jobs during construction, community building.

The development will need to mitigate against its impact, through the provision of S106 monies. A request has been made for a contribution from the Nene Clinical Commissioning Group (NCCG) as well as a contribution to education provision. Although this would be a financial contribution to the scheme, these contributions would be required to mitigate against the impact of the development. Therefore, these contributions carry limited weight in determining the planning application.

PLANNING BALANCE AND CONCLUSION

The proposal seeks to provide a scheme, which is beneficial to the locality, which provides a community facility. It is noted that the scheme seeks to address the previous appeal decision; the site is still located within the open countryside, outside the confines of Boughton and Northampton. The principle of development is not supported.

The site is not located within the NRDA, which seeks to provide the shortfall for housing for Northampton, therefore the principle of residential development should not be supported. The Daventry area can demonstrate a 5-year housing land supply. At the time of writing the report, the Daventry Area had a 6.3 year supply. It is noted that the Landscape Officer does not have an objection to the proposal. The Inspector concluded that the site was an important feature, and development on this site would harm the character and appearance of the locality.

The applicants have tried to overcome the inspectors concerns, however developing the site will not overcome the previous appeals decision. The benefits of the scheme do not outweigh the harm caused to the character and

appearance of the locality, as well as the principle of development of land outside the established confines.

RECOMMENDATION

The proposal is therefore recommended for **refusal** based on the following reason:

REASONS

- 1. The site is outside of the Northampton Related Development Area (per Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan) and the proposal is contrary to Policies S1, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies RA6, ENV1, as it proposes new build residential development in open countryside, where there is a presumption against such development unless it is essential for the purposes of agriculture or forestry. No such exceptional circumstances have been demonstrated to justify development in the open countryside and such development would erode the open countryside, the intrinsic character and beauty of which should be recognised (per paragraph 174 of the National Planning Policy Framework) and would not constitute sustainable development within the meaning set out in the National Planning Policy Framework and having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan.**
- 2. The housing requirement for the Daventry Rural Areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development.**
- 3. Notwithstanding the applicant's stated intention to enter into a Section 106 agreement, in the absence of a completed legal agreement, or unilateral undertaking, the applicant has failed to demonstrate that suitable planning obligations can be secured to mitigate the impact of the proposed development in terms of infrastructure and other requirements (including the required percentage – 40% – of affordable housing) (other than those items that would be provided through the Community Infrastructure Levy) policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy Local Plan. In the absence thereof, the Council considers that the**

development is unacceptable in planning terms.

NOTES

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

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

<u>Application Number</u>	WND/2021/0746
Location Description	LAND NORTH OF CRICKET GROUND, NORTHAMPTON ROAD, BRIXWORTH, NORTHAMPTONSHIRE, NN6 9DQ
Site Details	OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING COMMERCIAL, BUSINESS AND SERVICE USES WITHIN CLASS E; MIXED USE RESTAURANT AND TAKEAWAY USE (SUI GENERIS); PUB/DRINKING ESTABLISHMENT (SUI GENERIS); HOT FOOD TAKEAWAY (SUI GENERIS) (REVISED SCHEME).
Applicant	DR D BURSTON
Agent	MR A THOMPSON
Case Officer	MRS K DANIELS
Ward	BRIXWORTH WARD
Reason for Referral	MAJOR APPLICATION
Committee Date	11 MAY 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The proposal is for a mixed use development comprising of commercial, business and service uses within Class E, mixed use restaurant and takeaway use (Sui-Generis), Pub/Drinking establishment (Sui-Generis), Hot Food Takeaway (Sui-Generis) on land north of the cricket ground in Brixworth. The application is in outline form with access details being sought at this stage.

Consultations

The following consultees have raised objections to the application:

- Highways, Parish Council, archaeology, planning policy, ecology

The following consultees have raised no objections to the application:

- Environmental Health

The following consultees are in support of the application:

- N/A

15 letters of objection have been received and 0 letters of support have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of Development/impact on the character of the locality
- Highway Safety
- Archaeology

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

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The site is located on the edge of the village of Brixworth, off the Northampton Road. The Cricket Club for Brixworth is located to the south. The new residential development is located to the east of the site, on the opposite side of Northampton Road. Merry Tom Lane forms the boundary to the north, with rolling countryside to the other side. The site is screened along Northampton Road and Merry Tom Lane by mature vegetation (hedgerows and trees).

CONSTRAINTS

The application site is within the open countryside.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal is for outline planning permission for the construction of a mixed use development comprising commercial, business and service uses within Class E; mixed use restaurant and takeaway use (sui generis); pub/drinking

establishment (sui generis); hot food takeaway (sui generis). The only matter for agreement is the access for the proposed development, which is proposed off the existing access towards Victors Barns (to the west) and the Cricket Field (to the south).

RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/2017/0892	Outline application for residential development comprising 28 two-bedroom bungalows for older people (Class C2)	Refused
DA/2020/0747	Outline application for mixed use development comprising of business and service uses within Class E; Mixed use restaurant and takeaway use, pub/drinking establishment and hot food takeaway.	Refused

The 2020 application was refused for the following reasons:

1. **The site is located on the periphery of Brixworth, outside the established confines and in a landscape area of High Sensitivity, and will not result in a sustainable form of development due to the impact on locality, as well as the distance from the majority of the village. The development will have a negative urbanisation impact upon the character and appearance of the locality, due to its prominent and peripheral location away from the main centre. As a result of its location, it will rely heavily on the motor-vehicle to which no justification has been submitted to demonstrate the need for this development in the proposed location. The proposal is considered to be contrary to WNJCS Policies SA, S1, S10, BN5, Settlements and Countryside Local Plan Policies RA1, RA6, SP1, ST1, ENV1 and ENV10, Brixworth's Neighbourhood Plan Policies 2, 3, 5, 7 and 11 and having regard to Chapters 6, 8, 15 and 16 of the Framework.**
2. **Insufficient information has been submitted to demonstrate the impact on highway safety and the road network, as a result the proposal could have a significant impact on the road network. The proposal is considered to be contrary to paragraph 111 of the Framework.**
3. **Insufficient information has been received to demonstrate the impact of the development on undesignated heritage assets through the submission of a pre-determinative archaeological**

field survey due to the sites close proximity to an iron age settlement, as well as Roman sites therefore the proposal is contrary to WNJCS Policy BN5, Part 2 Countryside and Settlement and Local Plan Policy ENV7, Brixworth Neighbourhood Plan Policy 2, and having regard to paragraphs 189 and 190 of the Framework.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted February 2020 Local Plan (Part 2) and Brixworth adopted Neighbourhood Plan (2016). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant policies of the LPP1 are:

- SA – Presumption in favour of sustainable development
- S1 – The Distribution of Development
- S2 – Hierarchy of Centres
- S7 – Provision of Jobs
- S8 – Distribution of Jobs
- S10 – Sustainable Development Principles
- RC2 – Community Needs
- E2 – New Office Floor Space
- E6 – Education, Skills and Training
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- R1 – Spatial strategy for the rural area
- R2 – Rural Economy
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Settlement and Countryside Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Spatial Strategy
- RA1 – Primary Service Village
- RA6 – Open Countryside

- EC1 – Vibrant Town Centre
- ENV1 – Landscape
- ENV5 – Biodiversity
- ENV7 – Historic Environment
- ENV10 - Design
- ENV11 – Local Flood Risk Management
- ST1 – Sustainable Transport Infrastructure

Brixworth Neighbourhood Plan (NHP)

The relevant policies of the (NHP) are:

- Policy 2 – Development in the Open Countryside
- Policy 3 – Important Views and Vistas
- Policy 4 – Trees and Hedges
- Policy 5 – Local Green Spaces
- Policy 7 – Brixworth Village Centre
- Policy 11 – The Rural Economy

Material Considerations

Below is a list of the relevant Material Planning Considerations

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

RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
Highway	Objection	Revised comments: Whilst the applicant has addressed a number of matters identified prior to receipt of the Transport Statement, there remains a number of important issues that have not been addressed, as such the LHA remains in a position of objection to this development proposal.
Ecology	Objection	I'm writing in response to your consultation on the above application for a mixed use development at Northampton Road Brixworth. The DAS refers to an 'ecology statement', which does not appear to have been submitted with the application documents. Until the ecological information has been received I believe the council currently does not have sufficient information to determine this application.

Archaeology	Objection	The evaluation set out in the WSI needs to be carried out and the results made available. I can't comment further on the application without the trenching results.
Environmental Health	Comments	Conditions to be imposed relating to noise, kitchen extraction units, construction phase, air quality, land quality
Crime Prevention Design Advisor	Holding Objection	This version of the application is as bad as the previous version – in fact from a crime prevention perspective nothing has changed. I refer you to my previous comments in respect of DA/2020/0747 and replicate them below as my response to this application. If this is granted permission it has all of the attributes to provide an anti social behaviour hotspot outside of normal working hours. Please require the applicant to address the lack of any crime prevention provision and provide a detailed site management plan to address the identified shortcomings.
Brixworth Parish Council	Objection	<p>Brixworth Parish Council resolved to again object to this planning application (WND/2021/0746 Land North Of Cricket Ground, Northampton Road, Brixworth, Northamptonshire, NN6 9DQ) and provide the following reasons:</p> <p>This application is on land outside of the village confines, on land denoted as highly sensitive to change and in land in a local green space. If approved, this application would create an unacceptable hard edge to the rural setting and alter the setting of the village of Brixworth. It would create a new 'out of town' feel to that part of Brixworth that is counter to the policy of promoting the Village Centre within Brixworth. Elements within the applicants Design and Access Statement were noted as being in-accurate.</p> <p>The Parish Council is of this view that this application, similar in detail to that of DA/2020/0747 contravenes established planning policies, but not limited to;</p> <ul style="list-style-type: none"> • Planning Policy RA1(g)

		<ul style="list-style-type: none"> • Planning Policy R2. R2(f) allows small scale developments to suite local needs, no evidence thus far has been provided, therefore the Parish believes this to be a speculative application. • Planning Policy R3 • Planning Policy SP1f • Planning Policy RA1c(6) • Planning Policy RA2c • Planning Policy RA6 – the development is in the open countryside and does not accord to the West Northants Joint Core Strategy (WNJCS) • Planning Policy SP1, ST1, ENV1 and ENV10 (WNJCS) • Brixworth’s Neighbourhood Plan Policies 2, 3, 5 and 6.
Sport England	No Objections	
Development Management	Comments	Condition to be imposed regarding a fire hydrant to serve the proposed development
Planning Policy	Objections	Policy comments on the previous application concluded that there was a high degree of conflict with the development plan: the West Northants JCS, SCLP and the Brixworth neighbourhood plan. The main concerns were the creation of a new local service centre on a greenfield site outside the village and the strategic employment area, thereby potentially harming the local economy in the form of the existing local centre and strategic employment area. On that issue, the application wasn't supported by evidence of a need for additional employment development. Due to its location, there were concerns that it was likely to be primarily accessed by car. There were also concerns that it involved development of part of a Local Green Space and on land that forms part of a locally designated high sensitivity landscape. This put the proposal in conflict with

	<p>the development plan's spatial strategy and rural area, employment and landscape polices.</p> <p>Due to the substantial policy conflicts with the previous application, it is necessary to see if the current application has addressed them. The revised scheme shows some subtle changes. These include loss of one retail unit to create a larger gymnasium/dance studio, the drive through coffee/hub/meeting room has become a community hub/meeting rooms and there are 22 additional electric vehicle charging points. It is notable that only a DAS and landscape and visual appraisal have been submitted, I could not see a planning statement amongst the submitted documents. The submission appears to concentrate on the design and does not address in any detail the policy concerns previously expressed.</p> <p>The greenfield location outside the village requires a convincing justification in terms of a need for additional employment, retail, community building and the gymnasium/dance studio, and it is not considered that this has been provided. The DAS refers to the gym/dance studio as being a facility that is not already provided at Brixworth and therefore it will not harm an existing business, however, it does not provide evidence of a need. The statement that the proposal would provide facilities for people living in the south of Brixworth and unable to walk to existing facilities does not really address the need for new retail/employment or the community hub which is required to justify the proposal against RA1 part b iv. The provision of additional vehicle charging points does not really address the concern that it will be largely accessed by cars, in fact, it may attract more cars (electric) by offering so many points.</p> <p>In terms of impact on the landscape, although the LVA refers to the WNJCS and SCLP and landscape character assessment evidence produced to support the SCLP, it does not refer to the local high sensitivity landscape that was designated through the Brixworth NDP, which</p>
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		<p>was justified by specific evidence. Policy ENV1 F) states that local landscape designations identified in neighbourhood plans will be supported. The LVA states that it has been undertaken using nationally recognised guidance (para 1.2.2) and presents an assessment of the site's landscape value in table 1 (page 10). This concludes that the site is of medium/low sensitivity. Advice from the Council's Landscape Officer should be sought on whether he agrees with the conclusions and whether the existing trees, design and single storey nature of the proposal would be sufficient to mitigate against its visual impact. It is still considered that the proposal would introduce an urban type of development into a rural setting.</p> <p>The application is on part of a designated Local Green Space and in line with the protection offered to LGS, there is a need to demonstrate very special circumstances to develop it. Even if as stated in the LVA, it is not publicly accessible, it is still a designated LGS in the neighbourhood plan.</p>
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RESPONSE TO PUBLICITY

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

There have 15 number of objections/letters of support raising the following comments:

- Principle of development
- Highway Safety
- No requirement
- Impact on character of the locality

APPRAISAL

Principle of Development

WNJCS Policy S1 of the WNJCS sets out how development will be distributed. It focuses on a sustainable pattern of development concentrated in and adjoining the main urban areas of Northampton and Daventry. Part D contains

4 criteria for development in rural areas to consider; firstly, enhancing and maintaining the distinctive character and vitality of rural communities; secondly, shortening journeys and facilitating access to jobs and services; thirdly, strengthening rural enterprise and linkages between settlements and their hinterlands; and finally respecting the quality of tranquillity.

WNJCS Policy S10 sets out a number of sustainable development principles. Criterion e) states that development will be located where services and facilities can be accessed by walking, cycling and public transport.

WNJCS Policy R2 sets out the approach to the rural economy. It states that proposals that sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land. It sets out 7 types of development that are considered to be acceptable. Of these only f) small scale employment development to meet local needs, would potentially be relevant to this application.

Policy SP1 of the LPP2 sets out the spatial strategy for the District, seeking to ensure a sustainable pattern of development via a series of spatial principles. Criterion C is relevant which promotes a vibrant economy through encouraging the regeneration of Daventry Town Centre and protecting and enhancing a network of identified employment areas at the town and across the rural area, of which the Brixworth Strategic Employment Area (SEA) is one.

Within LPP2, Brixworth is classified as a Primary Service Village (PSV) and policy RA1 is relevant. The supporting text to RA1 (para 5.2.17) recognises that PSVs have an important role providing a range of services and facilities to meet the day to day needs of their own residents and those from surrounding smaller settlements. Policy RA1 applies to all forms of development, directing it firstly to being located within the village confines (part A). Development is only acceptable outside the confines in certain prescribed circumstances set out in part B, of which iv is potentially relevant to this application. This supports economic development that will enhance or maintain the vitality or sustainability of the PSV or would contribute towards and improve the local economy.

The site is located in open countryside, where policy RA6 applies. This has the aim of protecting the intrinsic character, beauty and quality of the open countryside and sets out prescribed forms of acceptable development; ix and xi would be relevant. ix requires economic development to accord with EC4 or policy R2 of the WNJCS; xi requires development to accord with the settlement hierarchy policies RA1-RA3.

Policy ST1 of the LPP2 will need to be considered. Part A supports measures to promote walking and cycling. The proposal, as a local services centre should aim to be primarily accessed by sustainable transport modes.

Policy 2 of NDP contains criteria related to development in the open countryside, of which criterion 1 supports development that contributes to the local economy. It also requires an assessment of the proposed impact and for development not to result in unacceptable demonstrable harm to a number of matters. Matters 7 and 8 are considered to be particularly relevant. 7 relates to the tranquillity, character and beauty of the countryside and 8 relates to landscape quality, including areas of high sensitivity as defined in the Landscape Character Assessment.

Within the NDP the site forms part of a Local Green Space (LGS4) designated under policy 5. According to the NPPF LGS designation should be done when a plan is being prepared and notably, the designations should be capable of enduring beyond the end of the plan period. Para 100 of the NPPF sets out the criteria for designation which has been used in Appendix 2 of the Brixworth Neighbourhood Plan to justify the sites selected for designation. Policy 5 states that development will not be permitted except in very special circumstances such as improvements to recreational facilities.

NDP Policy 7 supports development that would strengthen the Brixworth village centre as a focal point for local services and community facilities.

The site is located outside the village of Brixworth, although closely related to the village, the main hub of the village is located to the north of the site. The site is also designated as an open space within the Neighbourhood Plan. The proposal seeks to provide additional services for the village, given that the existing local shop is not of an appropriate size for the village of Brixworth. Brixworth has two shopping areas, the parade on the Spratton Road, which consists of a Co-op, iron mongers, fish and chip takeaway, pharmacy, post office and green grocers. The other shopping area is along the Northampton Road, and the facilities along this area comprises of an estate agents, butchers, restaurant, bakery, hairdressers and pub. There is a former public house which has had planning permission for its demolition and redeveloped for the purposes of a new co-op. This development is currently being developed. These are all within the central area of Brixworth, and is accessible to all occupants of Brixworth, and surrounding village.

The proposal will create an additional area which is situated away from the centre of the village, and limited supporting information has been submitted to demonstrate the need for additional services for the village. The applicants have provided information that there is a need for a new gym within the village. However this is still located outside the confines of the village and not within accessible distance for the majority of the village. The reliance would be on the motorcar, especially as the site provides 100 plus car parking spaces. In addition there are other buildings closer to the main village centre that could be used for the purposes of a gym. This is just one element of the overall development.

The site is located outside the village confines of a primary service village, which has a large number of facilities. The site is also located within a high landscape sensitivity, as well as a designated open space. The proposal seeks to provide an additional facility, which will compete with the existing facilities which are within the village, as well as the existing employment areas. The site is not a brownfield site, and the development will result in the loss of an important open space. In addition the development will have a detrimental impact on the character and appearance of the locality (See paragraphs below). Overall it is considered that the principle of development should not be supported in this specific case. The proposal would be contrary to WNJCS Policies SA, S1, S10, BN5, Settlement and Countryside Local Plan (part 2) Policies RA1, SP1, ST1 and Policies 2, 5, 7 and 11 of the Brixworth Neighbourhood Plan.

The impact on the character and appearance of the locality

WNJCS Policy BN5 relates to the historic environment and landscape. Developments should seek to sustain and enhance the heritage and landscape features, which contribute to the character of the area (1); and be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place (3).

LPP2 Policy ENV1 supports proposals that maintain the distinctive character and quality of the District's landscape. Criterion Bii requires it to respect existing patterns of development and Bvi to incorporate mitigation measures to integrate it into its surroundings and enhance the local landscape. Part F supports the identification of local landscape designations in neighbourhood plans that are appropriately evidenced and as explained under RA1 above, the Brixworth Neighbourhood Plan has identified the site as part of a wider area of high sensitivity landscape.

LPP2 ENV10 relates to design. Development that is of a high quality and, in particular, proposals of an exemplary and innovative design that reflect and integrate with the surrounding area and create a strong sense of place, will be supported (A). This includes development responding to the wider landscape context (vii). Development of poor design that does not add to the character and quality of an area and the way it functions will not be supported (B).

LPP2 Policy PA1 protects areas designated as Local Green Space on the Policies Maps from development that would harm their function, openness and permanence unless in very special circumstances. The application site is part of a Local Green Space designated through the NDP.

NDP Policy 3 states that development will be supported providing it avoids prominent sites on the edge of the village and minimises harm to 12 designated important views. Designated view 7 which looks from Merry Tom Lane towards Brixworth appears to incorporate the application site.

The site is well screened from the road, and is located on a higher ground level than the immediate surroundings. There is currently a gap between the village and the application site, which falls away towards the valley between the villages of Brixworth and Spratton. The development will result in a new built form which is likely to be visible from public vantage points. It is noted that the buildings will only be 1 story in height, however given the prominent position, the development is likely to have an impact upon wider distanced views.

The development will be seen separate from the main village, resulting in the built form expanding into an area which is high sensitivity in landscape terms. The Landscape Officer is not able to make an assessment due to the information submitted with the application. However it is likely that the vegetation would be removed opening the site up.

In addition the impact of the development cannot be fully considered as it is in outline form only. It is acknowledged that there are details of what the buildings could look like however this is not guaranteed.

Overall the proposal will result in a development which will have a harmful impact to the character and appearance of the locality, contrary to WNJCS Policy BN5, Settlements and Countryside Local Plan Part 2 Policies RA1, ENV1, and ENV10 and Brixworth Neighbourhood Local Plan Policy 3 and 5, and having regard to Chapter 15 of the Framework.

Impact on the Historic Environment

WNJCS Policy BN5 Developments should seek to sustain and enhance the heritage and landscape features which contribute to the character of the area (1). This includes undesignated heritage assets.

LPP2 Policy ENV7 relates to the Historic Environment. The Council will seek to sustain and enhance the historic environment of the District by supporting: Proposals that are sympathetic to non-designated heritage assets (identified through a conservation area appraisal or other method) and their setting including their retention and re-use. In doing so, the impact of the scale of any harm or loss on the significance of the assets will be taken into consideration.

The application site is not located within a conservation area, nor is it close to a Scheduled Ancient Monument, or a Listed Building. However there is a potential that the proposal could have a negative impact on an undesignated heritage asset. It has been recommended that a pre-determinative survey is undertaken by the county archaeologist due to a potential Iron Age settlement.

The applicants have carried out a Written Scheme of Investigation (WSI), which has been agreed with the ecologist. However the work agreed within the WSI have not been undertaken. Therefore without the information about

the potential impact to the undesignated heritage, the limited benefits do not outweigh the potential harm caused as a result of the proposed development, therefore the proposal is considered to be contrary to WNJCS Policy BN5 and ENV7 of the Settlement and Countryside Local Plan Part 2, and paragraph 189 and 190 of the Framework.

Overall the application has not overcome the reason for refusal on archaeological grounds.

Impact on Highway Safety

The proposal will create a development which will bring additional vehicular movements to the site, therefore there is a potential that the development will have a negative impact to the highway network. As a result the Local Highway Authority have been consulted.

The application was refused previously due to the impact upon the highway safety, as there was insufficient evidence to demonstrate the development would have a severe impact upon highway safety. The applicants have submitted additional information to overcome the concerns of the LHA. The LHA and the applicant's consultants have been in discussions regarding the proposal to overcome the reasons for refusal on highway grounds.

The LHA have advised that a stage 1 road safety audit is carried out. The applicants are going to carry out this work. At the time of writing the report, it is not known if the applicants have overcome the concerns the LHA in terms of highway safety.

However these concerns could be addressed at a later stage. At present the proposal is likely to have a harmful impact to highway safety.

Flooding

The applicants have provided a FRA as part of the development, and the Lead Local Flood Authority has been consulted as part of the application. However no consultation reply has been received, therefore on the lack of response, it is deemed that the application is unlikely to result in a detrimental impact on flooding.

This was not used as part of the reason for refusal previously.

Crime Prevention Measures

It is noted that the CPDA officer has raised concerns about the lack of information about the security of the site, however if planning permission was forthcoming then it is likely that these could be controlled by way of a planning condition or at the reserved matters stage.

FINANCIAL CONSIDERATIONS

In determining the application, consideration has to be had to the financial implications of the proposed development. It is noted that the proposal will bring in benefits to the local economy as a result of employment and CIL, however the proposal also has the potential to have a negative impact on the existing employment within Brixworth and the surrounding area. Therefore the financial benefits are reduced and the harmful impact upon the intrinsic nature of the countryside, which is located within an area of high sensitivity is not outweighed by this benefit.

PLANNING BALANCE AND CONCLUSION

The proposal will bring in benefits by improving the local economy, by providing different types of retail, office, leisure uses, however the site is currently defined a local green space within the NDP as well as an area of high landscape sensitivity, as well as being outside the established confines of the village.

The site is not considered to be in a sustainable location, away from the main core of the village centre. There will be a heavy reliance on the motor-vehicle without other sustainable modes of transport. The development would result in an unsustainable development, outside the established confines of Brixworth.

The proposal will have a negative impact upon the character and appearance of the locality, as it will result in the loss of a local green space, within an area of high landscape sensitivity. Overall the benefits of the scheme do not outweigh the harm to the character and appearance of the locality, its location, disconnected with the main village centre.

RECOMMENDATION

The application is therefore recommended for **REFUSAL** based on the following reasons:

REASONS

- 1. The site is located on the periphery of Brixworth, outside the established confines and in a landscape area of High Sensitivity, and will not result in a sustainable form of development due to the impact on locality, as well as the distance from the majority of the village. The development will have a negative urbanisation impact upon the character and appearance of the locality, due to its prominent and peripheral location away from the main centre. As a result of its location, it will rely heavily on the motor-vehicle to which no justification has been submitted to demonstrate the need for this development in the proposed location. The proposal is considered to be contrary to WNJCS Policies SA, S1, S10, BN5, Settlements and Countryside Local Plan Policies RA1, RA6,**

SP1, ST1, ENV1 and ENV10, Brixworth's Neighbourhood Plan Policies 2, 3, 5, 7 and 11 and having regard to Chapters 6, 8, 15 and 16 of the Framework.

- 2. Insufficient information has been submitted to demonstrate the impact on highway safety and the road network, as a result the proposal could have a significant impact on the road network. The proposal is considered to be contrary to paragraph 109 of the Framework.**
- 3. Insufficient information has been received to demonstrate the impact of the development on undesignated heritage assets through the submission of a pre-determinative archaeological field survey due to the sites close proximity to an iron age settlement, as well as Roman sites therefore the proposal is contrary to WNJCS Policy BN5, Part 2 Countryside and Settlement and Local Plan Policy ENV7, Brixworth Neighbourhood Plan Policy 2, and having regard to paragraphs 189 and 190 of the Framework.**

NOTES

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

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