



# Daventry Local Area Planning Committee

**A meeting of the Daventry Local Area Planning Committee will be held in the Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 7 September 2022 at 6.00 pm**

## Agenda

1.	<b>Apologies for Absence and Appointment of Substitute Members</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	<b>Minutes</b> (Pages 5 - 8) To confirm the Minutes of the Meeting of the Committee held on 3 August 2022.
4.	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>Planning Applications</b>	
5.	<b>Planning application - WND/2021/0883 Creaton</b> (Pages 13 - 30)
6.	<b>Planning application - WND/2022/0393 Brixworth</b> (Pages 31 - 46)
7.	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.

## 8. Exclusion of Press and Public

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"

Catherine Whitehead  
Proper Officer  
30 August 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 Cecile Irving-Swift

Councillor David James

Councillor Peter Matten

Councillor Wendy Randall

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

**Evacuation Procedure**

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

**Access to Meetings**

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

**Mobile Phones**

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

**Queries Regarding this Agenda**

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

Tel: 01327 302236 / 01327 302324

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
Lodge Road  
Daventry  
NN11 4FP

This page is intentionally left blank



### **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 3 August 2022 at 6.00 pm.

Present            Councillor Kevin Parker (Chair)  
                       Councillor Alan Chantler (Vice-Chair)  
                       Councillor David James  
                       Councillor Peter Matten  
                       Councillor Wendy Randall

Substitute        Councillor Jonathan Harris  
 Members:        Councillor Charles Morton

Also  
 Present:

Apologies        Councillor Daniel Cribbin  
 for                Councillor Rupert Frost  
 Absence:        Councillor Rosie Humphreys  
                       Councillor Cecile Irving-Swift

Officers           Keith Thursfield, Development Management Manager  
                       Jeverly Findlay, Committee Officer  
                       Colin Walker, Interim Assistant Director - Planning and Development  
                       Nigel Bell, Planning Solicitor

#### **59.    Declarations of Interest**

None advised.

#### **60.    Minutes**

##### **RESOLVED:**

That the Minutes of the Daventry Local Area Planning Committee of 6<sup>th</sup> July 2022 be approved and signed as a correct record.

#### **61.    Chair's Announcements**

The Chair welcomed Nigel Bell, Planning Solicitor and Colin Walker, Assistant Director - Planning to the meeting.

##### **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.

62. **Planning Application WND 2021 0534 Moulton – removal of attached garage at 18 High Street, demolition of barns and erection of 3 no. Dwellings. Existing perimeter wall made good and repointed - land to rear of 18, High Street, Moulton, Northamptonshire.**

The Development Management Manager outlined the application and noted that the field to the rear of the site was in the applicant's ownership. The Committee were shown views of the site from the High Street and from the field. The design of the proposed buildings was considered acceptable, and it was not considered that the amenity of the neighbouring residents would be adversely affected by the proposal. However, the whole of the site and the field were in the Moulton conservation area and the site lay outside the village confines. The field was identified as an area of important open space, enclosed by stone boundary walls, in the Moulton Conservation Area Appraisal and Management Plan. It was not considered that the proposal would result in an environmental improvement and it would harm the character of the conservation area and the village; any public benefits would not outweigh the harm that would be caused. The proposal was contrary to policy R1 of the West Northamptonshire Joint Core Strategy and ENV7 of the Settlements and Countryside Part 2 Local Plan and policy H1 of the Moulton Neighbourhood Development Plan.

Mr Care spoke against the application as it was contrary to the Moulton Neighbourhood Development Plan which had identified the area as an important existing open space to local people. Dr Brown spoke against the application, on behalf of the residents of Doves Lane, the site was greenfield land and there had been a significant loss of this land around the village in recent years. The proposal would have a detrimental effect on the conservation area.

The Chairman read out a statement from Councillor Mike Warren who considered that the proposal would result in an environmental improvement and was not contrary to policy. The applicant would also repair and enhance the boundary walls as part of the proposal.

The Chairman read out a statement from Councillor Daniel Cribbin who considered that the application was compliant with policy R1. Councillor Cribbin believed that the proposal would create an environmental enhancement to the conservation area, as it would improve the façade of the existing property at 18 High Street. The removal of the existing garage serving 18 High Street would also open up an important view to the countryside.

Mr Bignell spoke in favour of the application which he considered would result in an environmental improvement, opening up views to the countryside from the High

Street. The majority of the green space would be retained, and it would provide much needed rural housing.

Mr Lord, the applicant, addressed the Committee and acknowledged that the stone walls were in a poor condition. The proposal would provide new homes for the village. Further to an enquiry, Mr Lord acknowledged that it was the responsibility of the owner to maintain the walls.

The Development Management Manager highlighted that agricultural land was excluded from the definition of previously developed land in the National Planning Policy Framework.

Further to an enquiry, the Development Management Manager advised that the application was contrary to policy as the site was outside the confines of the village. It was therefore contrary to policy R1 and the other policies set out in the officer's report, recommendation and proposed reasons for refusal.

It was noted that there were 7 parking spaces for 3 four-bedroom houses.

Councillor Wendy Randall proposed that officer's advice to refuse the application be accepted. The proposition was seconded by Councillor Jonathan Harris, who added that the application was contrary to the Neighbourhood Development Plan, in which the site was identified as protected green space. The proposition to refuse the application was put to the meeting and declared carried with 5 voting in favour and 2 against.

**RESOLVED:**

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

The meeting closed at 6.47 pm

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

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

This page is intentionally left blank



**PLANNING APPLICATIONS**

**PLANNING AGENDA**

**07-Sep-2022**

**BACKGROUND PAPERS**

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

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

## List of Planning Applications on this Agenda

### Application Number

### Location

WND/2021/0883

CREATON

WND/2022/0393

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 20<sup>th</sup> February 2020 the saved policies of the Daventry District Local Plan 1997 now fall away as they are superseded. Adopted supplementary planning documents and guidance can continue to be given weight where they are in accordance with the new Local Plan and the NPPF and National Planning Guidance.

This page is intentionally left blank

<b><u>Application Number</u></b>	<b>WND/2021/0883</b>
<b>Location Description</b>	<b>LAND OFF CREATON ROAD, CREATON, NORTHAMPTONSHIRE, NN6 9BW</b>
<b>Site Details</b>	<b>DEMOLITION OF EXISTING COMMERCIAL PREMISES. CONSTRUCTION OF TWO WAREHOUSES AND NEW OFFICE FACILITY. CONSTRUCTION OF AGRICULTURAL BUILDING (BARN). CONSTRUCTION OF 2.1M PALISADE FENCING TO SOUTHERN AND EASTERN BOUNDARY. IMPROVEMENTS TO LANDSCAPING AND SUSTAINABLE DRAINAGE SOLUTIONS.</b>
<b>Applicant</b>	<b>LLEFDAS</b>
<b>Agent</b>	<b>MR C LEVETT, LARAN ARCHITECTURAL DESIGN</b>
<b>Case Officer</b>	<b>JONATHAN DOE</b>
<b>Ward</b>	<b>BRIXWORTH WARD</b>
<b>Reason for Referral</b>	<b>MAJOR APPLICATION</b>
<b>Committee Date</b>	<b>7 SEPTEMBER 2022</b>

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

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The proposal is to erect four commercial buildings. A palisade fence 2.1m in height would be erected along the front boundary and eastern side boundary. Landscaping and sustainable drainage, including a swale, form part of the proposals.

### **Consultations**

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

- Parish Council, Local Lead Flood Authority

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

- Highways, Crime Prevention, Ecology, Environmental Protection, Landscaping

One letter of **support** has been received.

## **Conclusion**

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

The key issues arising from the application details are:

- Principle of Development
- Impact on Residential Amenity
- Impact on Landscape and on Character of Area
- Biodiversity
- Design
- Flood Risk

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

## **MAIN REPORT**

### **APPLICATION SITE AND LOCALITY**

The site is in a rural location to the east of the village of Creaton. The site is a part of what was known as the Drummer Boy Mill site or the old brickyard site and is some 300m west of the junction of Creaton Road with Station Road. Brixworth lies to the southeast of the site.

The site has an area of some 1.1 hectares. The site has three buildings on it which would be demolished.

The application site is currently a parcel of scrubland on the northern side of Creaton Road. There are two derelict former commercial buildings and a former pumping facility to the rear of the site. To the east is a small industrial estate occupied by Watson Fuels and further to the east The Brixworth Engineering Company. To the west is dog boarding kennels. To the north of the site is Drummer Boy Lake.

### **CONSTRAINTS**

The application site is within a Special Landscape Area.

The application site is outside the village confines.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposal is to erect four commercial buildings and use of the site, which is currently unused with existing buildings appearing derelict, by a facilities management company; a firm providing outsourcing of cleaning and maintenance of landscaping, equipment hire and associated services. The planning application form states that it is proposed that there would be 10 full-time and 10 part-time employees.

The application proposes four new buildings with a combined new floorspace of 1,030 sq m. The new buildings would be set to the rear of the site.

A building referred to on the plans as a barn would be set in the northwest rear corner of the site. This building would have a footprint of 270 sq m. The barn would be 18m wide by 15m deep and have a side gable roof with a roof pitch of 10 degrees. The barn would be 4.7m to the eaves, 6.0m to the ridge. Two vehicular roller shutter doors would be set on the northern elevation. The walls and roof of the barn would be of metal cladding of a dark green colour. Photovoltaic panels would be set on part of the southern roof slope.

The barn would be used for storage of tractors and landscape maintenance equipment and animal feed connected with the pasture land.

The office building would be to the east of the barn and have an irregular footprint essentially of three bays interlinked by a central spine of built form. The office building would have a footprint of 520 sq m. The office building would have a length of 38m by a maximum width of 19m. The single storey building would have a traditional roof form broken up into a number of gable ended elements and be a maximum height to the ridge of 6m, some 3m to the eaves. Photovoltaic panels would be set on south facing roof slopes. External walls would be of black stained timber boarding or multi-tone red brickwork. The roof would be a black zinc roof with standing seams. Conservation design velux type roof lights would be set along the roof.

The two warehouses would be to an identical design and be set to the east of the office building. Each warehouse would have a footprint of 120 sq m, 8m wide by 15m deep. The warehouses would have gable roofs with a pitch of 10 degrees. The warehouses would have a maximum height to the ridge of some 5m, 4.7m to the eaves. Each warehouse would have a vehicular roller shutter door on the southern elevation. The walls and roof of both warehouses would be of metal cladding of a dark green colour.

The warehouse buildings would be used for storage of general plant machinery such as tractors and bulldozers and for office supplies, such as cleaning materials.

The existing vehicular access to the site would be used and a plan shows new vehicular access and circulation and 23 car parking spaces, 2 of which would be marked for disabled persons' use.

A palisade fence 2.1m in height would be retained along the front boundary and eastern side boundary. Landscaping and sustainable drainage, including a swale, form part of the proposals.

## RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/1988/0243	Extend existing building to provide additional storage area	Granted 4.5.1988
DA/1989/0358	Extension to existing store	Granted 5.5.1989

## RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

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

### Development Plan

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

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

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S7 – Provision of Jobs
- S8 – Distribution of Jobs
- S10 – Sustainable Development Principles
- E1 – Existing Employment Areas
- E2 – New Office Floorspace
- BN2 – Biodiversity



- BN7 – Flood Risk
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- R2 – Rural Economy

### Daventry District Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA2 – Secondary Service Villages
- RA6 – Open Countryside
- EC4 – Strategic Employment Areas
- ENV1 - Landscape
- ENV2 – Special Landscape Area
- ENV5 – Biodiversity
- 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)
- Supplementary Planning Guidance – Biodiversity, May 2017
- Other Documentation
  - Daventry Landscape Character Assessment, May 2017
  - Special Landscape Area Study Daventry District, March 2017

### **RESPONSE TO CONSULTATION**

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

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Creaton Parish Council	Concerns raised	Concerns raised regarding traffic increase, especially HGVs; site operation times; light pollution; and staff parking ratio at the site.
Crime Prevention Design Advisor	No objection	Queries were raised which have adequately been responded to by the agent.
Highways	Comments made	The site access, whilst existing, does not meet current standards for a

		<p>commercial access. The applicant will be required to provide: a widened access constructed in concrete to Local Highway Authority standards; the 7.3m wide access must continue at this width into the site to accommodate a standard 16.5m articulated HGV vehicle passing another vehicle; any gates must be set back to allow an HGV to pull off the highway.</p> <p>Condition required to demonstrate on a plan the visibility splays for the access and ensure that these are maintained.</p>
Lead Local Flood Authority	Further information requested	We would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.
Ecology	Comments made	<p>Open Mosaic Habitat assessment shows site does not qualify. However, no biodiversity net gain assessment as requested. Without biodiversity net gain assessment decision might not be policy compliant.</p> <p>Might be possible to deliver net gain here, but that needs to be supported by evidence in the form of the appropriate Defra metric (version 3.1 or small sites as applicable).</p>
Environmental Health WNC	Comments made	<p>Residential properties could be impacted. Noise assessment required before development commences. A Construction Management Plan should be submitted prior to commencement. Contaminated land condition required to any approval. Clarification required regarding impact to air quality. There should be no external illumination to the site.</p>
Landscaping & Trees	No objection	1. A detailed tree survey would provide the specific information to enable more detailed landscape comments.

		2. The information (tree survey) is very welcome, providing an appropriate level of landscape information.
Policy	No response	.

## RESPONSE TO PUBLICITY

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

There has been one letter of support raising the following comments:

- Addition of new swale and planting can only be beneficial to natural biodiversity of site and surroundings

## APPRAISAL

### Principle of Development

The NPPF refers to building a strong, competitive economy at section 6.

Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth of all types of business in rural areas, both through the conversion of buildings and well-designed new buildings. Paragraph 85 of the NPPF states that planning decisions should recognise that sites to meet local businesses needs in rural area may have to be found beyond existing settlements. The use of previously developed land should be encouraged where suitable opportunities exist. JCS Policy SA reiterates NPPF paragraph 11 in stating that plans and decisions should apply a presumption in favour of sustainable development which, for decision making, means approving developments that accord with an up-to-date development plan without delay, unless material considerations would indicate otherwise. In this case the proposed development is considered to accord with the up-to-date development plan as set out in this report.

JCS Policy S1 (A) (B) (C) of the adopted West Northamptonshire Joint Core Strategy seeks to distribute development and economic activity to the main towns of Northampton and Daventry, yet the development needs of the rural service centres and the rural areas will also be provided for (C).

Although now vacant, the land was last in use as a business use. The most recent planning permission for the site, DA/1989/0358, was made by Archer Plant Hire. The proposal therefore relates to a 'brown field' site.

The site is part of an area known as the old brickyard site, an enclave of land in employment use. However, the site is not part of a Strategic Employment Area.

The NPPF refers, at section 11, to making effective use of land and promoting and supporting the development of under-utilised land. At paragraph 81 the NPPF refers

to how significant weight should be placed on the need to support economic growth and, at paragraph 84, to how planning decisions should enable the sustainable growth of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The proposal is therefore supported in principle by Government guidance.

Policy SP1 of the Local Plan Part 2 seeks to ensure a sustainable pattern of development. At G the policy states a spatial principle of protecting the natural environment, including protecting the Open Countryside. At H a spatial principle of encouraging an efficient use of previously developed land is stated.

Policy RA2 relates to Secondary Service Villages such as Creaton. The policy states that development outside the defined confines will be acceptable only in defined circumstances and sets out criteria for the acceptability of development outside village confines. The fourth criterion states that economic development that will enhance or maintain the vitality or sustainability of the Secondary Service Village or would contribute towards and improve the local economy is a circumstance where development outside the defined confines will be acceptable. It is considered that the proposal would improve the local economy and accordingly is acceptable with regard to Policy RA2.

Policy RA6 is concerned with the open countryside and states that its intrinsic character, beauty and tranquillity will be recognised. To achieve this only certain forms of development will be supported. One such form of development, criterion ix refers, is economic development that otherwise accords with Policy EC4 or Policy R2.

Policy R2 of Part 1 of the Development Plan is concerned with the rural economy and states that proposals which sustain and enhance the rural economy by creating jobs 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. The proposal is considered to be acceptable with regard to Policy R2 in that it would create jobs, would be acceptable in its rural setting as discussed below and would use a brown field site, a site with a previous commercial use.

Policy EC4 generally aims to deliver industrial and similar commercial uses to Strategic Employment Areas. However, the policy states, at D, that economic development beyond the defined Strategic Employment Areas will be supported where a number of criteria are met. Two criteria which are relevant to the proposal are that it is of an appropriate scale and character and that it does not harm the amenity of surrounding residential properties. It is considered that these criteria are met, as discussed in more detail below.

In conclusion with regard to the principle of development, it is considered that policy supports the proposal.

#### Impact on residential amenity

There are two residential properties in the vicinity of the site, both of which are associated with a commercial use, as kennels. The vehicular access to the site would be some 50m from the nearest residential property. The nearest proposed building would be some 80m from a dwelling. Given these circumstances and that the neighbouring properties to the west are not wholly residential in character, it is considered that there would be no material adverse impact to the residential amenity of occupiers of neighbouring properties to the west.

The impact on residential amenity is considered acceptable.

#### Impact on Landscape and on Character of Area

The NPPF states, at paragraph 174, that planning decisions should contribute to and enhance local environment by protecting and enhancing valued landscapes (in a manner commensurate with identified quality in the development plan). This paragraph also refers to recognising the intrinsic character and beauty of the countryside.

Policy ENV1 is concerned with landscape and Policy ENV2 is concerned with Special Landscape Areas within which the site is set. The site is within the Hemplow Hills, Cottesbrook and Brington Special Landscape Area.

Policy ENV1 of the LPP2 seeks to protect the landscape. Proposals are supported that maintain the distinctive character and quality of the District's landscape and incorporate mitigation measures to integrate development into its surroundings and enhance or restore the local landscape.

Given the text of Policy ENV2 it is important to define what the special qualities of the site and its Special Landscape Area setting are. Two documents are considered of relevance to address this point; the Daventry Landscape Character Assessment and the Daventry Landscape Study.

The Daventry Landscape Character Assessment is a decision-making tool which systematically classifies the landscape into distinctive areas based on the interaction between landform, geology, land use, vegetation pattern and human influence. Its role is to ensure that future changes do not undermine the intrinsic character or features of value within a landscape.

The Daventry Landscape Character Assessment refers to landscape character types which in turn are divided into landscape character areas. The site is within landscape character area, 13d Cottesbrooke and Arthingworth (page 18 at [Environment - Daventry Landscape Study - Part A Landscape Character Appraisal section 2.pdf](#) refers). The study provides a guideline to conserve and enhance the cohesive and recognisable unity of character across the Undulating Hills and Valleys and ensure that the integrity of this quintessential rural agricultural landscape is not diminished through inappropriate development that results in loss of the characteristic combination of fields, hedgerows, trees and woodlands.

The Daventry Landscape Study 2017 formed part of the evidence for Part 2 of the development plan (paragraph 9.0.04 of the Local Plan Part 2 refers). A list of the evidence base for the Local Plan Part 2 is available at [Daventry District Council - Evidence Base \(daventrydc.gov.uk\)](https://www.daventrydc.gov.uk/evidence-base) More specifically, the Special Landscape Area Study Daventry District (at [Environment - Daventry Landscape Study - Part B Special Landscape Area Study \(1\).pdf](#) ) refers, at paragraph 4.17, to the Special Landscape Area having characteristics which include the following:

- Along some sections of the peripheral ridge around the SLA the undulating profile is emphasised by hedgerows and trees in addition to copses that help to emphasise landform and create a patchwork effect that adds texture and interest to the landscape. This is particularly notable around Creaton, Guilsborough, Holdenby, Great Brington, Little Brington;
- A mix of arable and pastoral land bound by generally intact and well maintained hedgerows and frequent hedgerow trees. Hedgerows are an important feature of the landscape contributing to enclosure within valleys and lower slopes and adding interest and diversity to views from higher ground;
- Rural character to the landscape reinforced by the narrow winding rural lanes connecting villages. These are often bordered by intact tall hedgerows and frequent hedgerow trees.

The Landscape Officer initially commented that a tree survey would provide the specific information to enable more detailed landscape comments. The Landscape Officer commented that the lack of detail to landscaping proposals made it not possible to determine how the proposals would sit in their immediate surrounding and the wider landscape. A tree survey was requested from the agent. A landscape plan (by Christopher Hodgson Landscape Architecture) which included a tree survey was provided and the Landscape Officer was consulted on this.

The latest comment from the Landscaping Officer now raises no objection to the proposal.

The proposal would enhance the local landscape by a landscape scheme at the front of the site. The site is set between two areas of development, the cattery area to the west and the fuel depot to the east. The immediate setting of the site in combination with the previously developed nature of the character of the site are such that it is considered that the proposal would result in no material adverse impact to the landscape in which it would be set. Accordingly the proposal is considered acceptable with regard to Policies ENV1 and ENV2.

### Biodiversity

Paragraph 174 of the NPPF states, at d), that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Policy BN2 of the Local Plan (Part 1) states development that has the potential to harm sites of ecological importance will be subject to an ecological assessment.

Development management decisions will reflect the hierarchy of biodiversity designations. The site has no statutory biodiversity designation.

Policy ENV5 of the Local Plan (Part 2) states that development affecting sites that are not formally designated but which make a positive contribution to biodiversity will be required to take into account their current or potential role in the District's wider biodiversity network. Policy ENV5 also states, at C., that proposals should seek to achieve a net gain for biodiversity. The Ecology Officer has commented that the application fails to provide a biodiversity net gain assessment.

In the absence of any biodiversity net gain proposals, the application is contrary to Policy ENV5, at C. Nevertheless this demerit of the proposal is considered to be of insufficient weight to reasonably justify refusal of the application. Nevertheless, a condition to require biodiversity enhancements would in the circumstances be reasonable. One of the aims of the landscape scheme submitted in the course of considering the application is to promote biodiversity whilst creating a scheme that complements the natural style of plant life in the region.

### Design

Policy ENV10 supports design of a high quality. When defining high quality design this policy talks about blending well with and enhancing surroundings, responding to wider landscape context and integrating with landscape features.

The design of the proposed buildings would generally match the scale and overall appearance of agricultural buildings and as such would blend well with the wider surroundings. The design of the buildings is considered acceptable and subject to a detailed design for landscaping at the front of the site being implemented the buildings, being at the back of the site, would make a minimal change to the appearance of the site.

### Flood risk

Policy BN7 of part 1 of the Local Plan is concerned with flood risk. Policy ENV11 of part 2 of the Local Plan is concerned with local flood risk management and supplements Policy BN7.

The Local Lead Flood Authority has commented as follows:

'We would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

Our information requirements in support of an Outline application are outlined in our document Local Standards and Guidance for Surface Water Drainage in Northamptonshire document:

<https://www.floodtoolkit.com/wp-content/uploads/2017/09/Local-Standards-for-publication-v1.3-September-2017.pdf>

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. Further details of the proposed drainage system must be included. This includes, but is not limited to, the following:
  - a. Calculation of existing greenfield runoff rates from the site area.
  - b. As the site is currently greenfield, evidence that surface water discharge from the proposed development will not exceed existing greenfield runoff rates.
  - c. Calculations demonstrating the proposed attenuation has sufficient volume to contain a number of return periods, up to and including the 1 in 200 year, for a range of storm durations, from 15 minutes up to 10080 minutes.
  - d. Further details of the attenuation proposed, including depths and volumes.
  - e. An operation and maintenance plan, including details of every aspect of the proposed drainage system, and details of who will be responsible for the maintenance.
  - f. An exceedance plan demonstrating that flooding will not be routed towards buildings in the event of the proposed drainage system failing.
  - g. Flood Risk Assessment
  - h. Topography plan

2. It is noted that the geology and soil type at the site indicates it is unlikely to be viable for infiltration drainage. Although not required for outline planning, infiltration testing in accordance with BRE 365 Digest should be undertaken to confirm soakaway drainage is unviable at the site prior to full planning consent. Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above.

We ask to be re-consulted on this requested surface water drainage information. We will provide you with bespoke comments within 21 days of receiving a formal re-consultation. We cannot support the application until adequate surface water drainage information has been submitted.'

The comment of the Local Lead Flood Authority has been passed to the agent. The agent has commented that, given that the site is not a greenfield site but a brownfield site, the comment is factually wrong. The purpose for a Flood Risk Assessment to a site not in an area of flood risk is questioned. The agent has stated that there is an existing drainage system on the site which the proposal could utilise to drain run-off if SUDs were known to be unsuitable due to geology. A condition to address this point is suggested by the agent. It is considered based on the comments of the Environment Agency a condition is not necessary.

Geographical records for the local planning authority show that the site is in Flood Zone 1; a branch of the River Nene with associated land in Flood Zones 2 and 3 is to the east. This is confirmed in the Environment Agency's flood map available on the internet. Given that the site is on land with the least likelihood of flooding, it is considered that the comment of the Local Lead Flood Authority cannot be supported.



## **FINANCIAL CONSIDERATIONS**

The proposal is for neither residential nor retail development and accordingly the levy is zero rated.

## **PLANNING BALANCE AND CONCLUSION**

Although at an unsustainable location, outside any settlement confine, the proposal offers benefits of employment and economic development and efficient use of employment land on previously developed land. As a detailed matter, landscaping at the front of the site would improve the appearance of the site. Whilst the request of the Local Lead Flood Authority for more information is noted, it is considered that drainage for the site, which is in an area zoned as having the lowest likelihood of flooding, is acceptable.

## **RECOMMENDATION / CONDITIONS AND REASONS**

The proposed development is recommended for approval subject to conditions.

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with the drawings Location Plan; Masterplan; GA 004 Office Building Plan and Roof Plan; GA 006 Barn Plans and Elevations; and, GA 007 Industrial Unit Plans and Elevations received 19/01/2022.**
- 3. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out for that phase, sub-phase or development parcel by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.**
- 4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, no part of the development hereby permitted shall take place until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and**

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

- 5. If contamination is found by undertaking the work carried out under condition 4, no part of the development hereby permitted shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.**
- 6. If during development, contamination not previously identified is found to be present at the site, then no further development in that phase shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority, detailing how this contamination shall be dealt with. Thereafter the approved remediation strategy shall be implemented and The Development completed accordingly.**
- 7. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.**
- 8. The submitted and approved landscape scheme by Christopher Hodgson Landscape Architecture shall be implemented, in the first planting season following first use of the development hereby approved, or in accordance with a programme approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
- 9. Prior to any works commencing on the site a full set of engineering drawings, shall be submitted to and approved in writing by the Local Planning Authority, detailing the following:  
A vehicular access to 7.3m in width constructed in concrete to Local Highway Authority standards.  
Continuation of a vehicular access at a width of 7.3m in order to accommodate a standard 16.5m articulated HGV passing another vehicle within the access.  
Any gate being set back by this same length in order to allow an**

**HGV to pull off the public highway before reaching a gate thereby not causing an obstruction on the road.**

- 10. A visibility splay of at least 2.0m by 215m (measured from and along the highway boundary) shall be provided within the site on each side of the vehicular access prior to first use. The areas of land within the splays shall be maintained clear of any obstruction to visibility above a height of 0.9m relative to the level of the adjacent carriageway.**
- 11. Prior to the commencement of the development hereby approved, full details of any external lighting to serve the site shall be submitted to and approved in writing by the local planning authority. The external lighting shall be strictly carried out in accordance with the said details.**

## **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. To ensure that any ground contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 4. To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 5. To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 6. To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 7. In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 8. In the interests of the visual amenity of the site and its setting and to enhance the biodiversity of the site in accordance with Policies ENV1 and ENV5 of the Local Plan.**
- 9. In the interest of highway safety.**
- 10. In the interest of highway safety.**
- 11. In the interest of safeguarding residential amenity and**

**reducing pollution in accordance with Policy BN9 of the Local Plan part 1.**

## **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.**

This page is intentionally left blank

<b><u>Application Number</u></b>	<b>WND/2022/0393</b>
<b>Location Description</b>	<b>LAND TO NORTH &amp; SOUTH OF STATION ROAD &amp; WEST OF BRAMPTON VALLEY WAY, BRIXWORTH, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>ENGINEERING WORKS TO CREATE A NATURAL FLOOD MANAGEMENT SCHEME, INCLUDING REPROFILING OF RIVERBANKS, CREATING SCRAPES, PONDS AND A BUND, 0.4M IN HEIGHT, DEPOSITING MATERIALS ON FIELDS, 100M IN DEPTH</b>
<b>Applicant</b>	<b>ALASTAIR MACDONALD-BUCHANAN, THE COTTESBROOKE ESTATE COMPANY</b>
<b>Agent</b>	<b>IAIN ARMSTRONG, JBA CONSULTING</b>
<b>Case Officer</b>	<b>JONATHAN DOE</b>
<b>Ward</b>	<b>MOULTON WARD BRIXWORTH WARD</b>
<b>Reason for Referral</b>	<b>MAJOR APPLICATION</b>
<b>Committee Date</b>	<b>7 SEPTEMBER 2022</b>

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

#### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

##### **Proposal**

The proposal is for engineering work to create a natural flood management scheme.

Historic mapping indicates that the stretch of river to which the application relates has been straightened, possibly when a former railway line was constructed. The proposal is essentially to re-create the natural form of the river and its associated natural features. The scheme would reduce the speed of the flow of water following heavy rain, the scheme is likely to reduce in-channel velocities. The increased sinuosity of the channel would reduce stream power and channel incision associated with historic straightening.

The proposal has come about in relation to Natural England's Countryside Stewardship Scheme.

## **Consultations**

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

The following consultees have raised **no objections** to the application:  
Natural England, Archaeology, Landscaping Officer, Ecology, Rights of Way,  
Environmental Health

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

## **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  
Biodiversity  
Impact on Character of Area  
Impact on Amenity  
Heritage Assets

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

## **MAIN REPORT**

### **APPLICATION SITE AND LOCALITY**

The site is in open countryside to the northwest of Brixworth and to the east of Creton. The proposal relates to a length of the Brampton Branch of the River Nene. The site comprises land mainly in the parish of Creton though also partly within the parish of Brixworth.

The application site is defined as two parcels of land which are essentially agricultural land, arable and permanent pasture. Part of a branch of the River Nene passes through the northern parcel of land and the river forms the eastern boundary to the southern parcel of land. A length of Station Road divides the northern parcel of land from the southern parcel of land.



The northern part of the site is an area of open pasture/arable land with a small wooded area and has an area of some 20.5 hectares. The south part of the site is open pasture/arable land bounded by hedgerows and woodland. The southern area of the site has an area of some 24 hectares.

A public footpath, the Brampton Valley Way, runs to the east of the site, adjoining the eastern boundary at the northern parcel of land. The footpath is on raised land, a former railway line.

The site has an area of 44.5 hectares. It should be noted however that this area includes land over which spoil would be deposited to a very shallow additional level; the site is essentially the banks and land behind the banks of a stretch of river some 1.8km in length.

## **CONSTRAINTS**

The application site is outside of any village confines.

Part of the application site is within a Special Landscape Area as defined in the Local Plan.

The site is in Flood Zone 3.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposal is for engineering work to create a natural flood management scheme.

The banks of the river would be re-profiled such that, rather than having a shallow embankment next to the course of the water to contain the river, an embankment would be cut into to create a shelf of a relatively low lying area of land next to the course of the water. Behind these areas of cutting into the existing ground level, along the western side of the river, ponds would be dug.

In places the former course of the river still visible as standing water or elongated dips in the ground, paleochannels, would be re-instated such there would no longer be a single, relatively straight course of the river but additional ribbons of flowing water following heavy rain and higher flow rates.

Excavated materials would be spread over fields, to the south of Station Road, to a depth of 100mm. This would avoid any need to dispose of material off-site.

Wooden features would be installed along the existing watercourse to encourage the deposition of gravel for an increased range of habitat areas. The plans show 25 of these wooden features. The wooden features would

appear as and serve the purpose of a tree trunk or other sizeable log having been naturally fallen into the river and then stuck into the bank of the river.

The purpose of the proposal is to improve flood water storage, water quality and biodiversity. The original channels would be reinstated along this part of the course of the river and river banks would be re-profiled. In sections of wide channel an inset floodplain would be constructed for ecological benefits by reducing the flow rate under heavy rain fall events.

The works also involve the creation of a bund, scrapes, and refuge islands for heavy rainfall events within the fields forming the site. The works would improve the connectivity between this stretch of the river and its floodplain, making some flooding along the river more likely such that more serious flooding further downstream would be less likely.

#### RELEVANT PLANNING HISTORY

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
P/22/022	Pre-application Enquiry and Formal Screening Opinion Request	Not applicable.

#### RELEVANT PLANNING POLICY AND GUIDANCE

##### **Statutory Duty**

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

##### **Development Plan**

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

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

The relevant polices of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S10 – Sustainable Development Principles
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity

- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- BN8 – The River Nene Strategic River Corridor
- BN9 – Planning for Pollution Control

#### Daventry District Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- ENV1 – Landscape
- ENV2 – Special Landscape Areas
- ENV4 – Green Infrastructure
- ENV5 – Biodiversity
- ENV7 – Historic Environment
- ENV11 – Local Flood Risk Management

#### Brixworth Neighbourhood Plan (NHP)

The relevant policies of the (NHP) are:

- Policy 2 - Development in the Open Countryside
- Policy 9 – Heritage Assets

### **Material Considerations**

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG) – Natural environment
- Supplementary Planning Document – Biodiversity

### **RESPONSE TO CONSULTATION**

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

Consultee Name	Position	Comment
Brixworth Parish Council	Object	It was resolved to object to this application as the need for it isn't justified, the risks can't be clearly defined, there is no definite improvement, there are issues with the bat survey and the works may negatively impact wildlife.
Creaton Parish Council	No response	
Cottesbrooke Parish Council	No response	

Spratton Parish Council	No response	
Local Lead Local Flood Authority	No response	
Environment Agency	Support	We have been heavily involved in the planning of this development and very much support it. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included: The development shall be carried out in accordance with the submitted flood risk assessment prepared by JBA Consulting, dated April 2022 for Cottesbrooke Estate NFM Construction and the following mitigation measures 1. Works to not increase flood risk to the area 2. Any excavated material to be removed from the floodplain. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. A Flood risk activity permit will be required.
Natural England	No objection	Natural England has no specific comments to make on this proposal or issue. Please refer to our general advice.
Landscape	No objection	Generally in support of the proposals, only concerns are the loss of riverside vegetation through the regrading of the banks as well as the design of the numerous pools as part of the flood management.
Archaeology	No objection	The site is known to contain sub-surface archaeological remains identified as cropmarks. There are two main clusters of these remains; one in the southern most field and one in the northernmost field. A field of surviving

		Ridge and Furrow cultivation earthworks is also recorded immediately north of Station Road. I recommend a condition is placed on the application worded as follows: 'The consented development shall take place in accordance with a programme of archaeological works as detailed in the approved written scheme of investigation. Any variation in the scope or timing of the approved works must be referred back to the Planning Authority for authorisation in advance of any further action being taken.'
Ecology	No objection	The ecological survey reports have been reviewed with no major constraints to the proposal envisaged. The extensive biodiversity enhancements are particularly welcomed.
Rights of Way	No objection	I have rectified the plan into our system and can see that the nearest edge of the body of water is approximately 8m away. The footpath is 4ft wide.
Ramblers	No response	
Environmental Health WNC	No objection	The primary consultee for this application should be the Environment Agency with regard to flood issues and releases to controlled waters.  The site appears to show historical agricultural and sewage treatment use. Therefore, it is reasonable to recommend the full contaminated land condition.

## RESPONSE TO PUBLICITY

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

No letters were received in response to the site notices or neighbour notifications.

## **APPRAISAL**

### Principle of Development

The NPPF, at section 14, is concerned with meeting the challenge of climate change, flooding and coastal change. Paragraph 152 of the NPPF refers to how the planning system should help minimise vulnerability and improve resilience (to a changing climate). Paragraph 161 refers, at c), to how opportunities provided by improvements in green and other infrastructure to reduce the causes and impacts of flooding should be used. At this part of the NPPF it is specifically stated, in a parenthesis, 'making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management'.

Although not directly relevant, it is considered noteworthy that paragraph 167 of the NPPF says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The proposal would decrease flood risk elsewhere, by allowing limited flooding adjacent the river and slowing the speed of river flow following heavy rain.

Policy SA of part 1 of the Local Plan reiterates the NPPF at paragraph 11 in stating that decisions should apply a presumption in favour of sustainable development which, for decision making, means approving developments that accord with an up-to-date development plan without delay, unless material considerations would indicate otherwise. In this case the proposed development is considered to accord with the up-to-date development plan as set out in this report.

Policy S10 of part 1 of the Local Plan states, at h), that development should promote sustainable drainage. Policy S10 therefore supports the proposal. Policy BN7 of part 1 of the Local Plan is concerned with flood risk. Policy ENV11 of part 2 of the Local Plan is concerned with local flood risk management and supplements Policy BN7. Policy BN7 would normally address a situation whereby it would be necessary to evaluate the risk of flooding to development, for example to a proposed housing development. In the case of the application the subject of this report, the proposal is aimed to reduce the risk of flooding downstream (by encouraging predictable, localised flooding within the site after heavy rain fall). In the case of the proposal the subject of this report Policy BN8 is not directly relevant. However, the text of the policy taken in the round supports the proposal. The text of the policy refers to compliance with a Flood Risk Assessment. A Flood Risk Assessment forms part of the application documentation.

Policy SP1 of part 2 of the Local Plan generally seeks to protect the open countryside and ensure a sustainable pattern of development by spatial principles to encourage development within existing settlements.

Policy RA6 of part 2 of the Local Plan states that the intrinsic character, beauty and tranquillity of the open countryside will be recognised. The site is in a rural area though its siting is dictated by the nature of the proposal. Accordingly the proposal is considered acceptable with regard to Policies SP1 and RA6 of part 2 of the Local Plan and with regard to Policy 2 of the Brixworth Neighbourhood Plan. It is considered that the proposal would not adversely affect the tranquillity, character or beauty of the countryside. Figure 6 of the Local Plan part 1 indicates a Green Infrastructure Network. The locality of the site can be seen to be part of a Sub Regional Corridor, The Brampton Arm (Northampton-Market Harborough). Policy BN8 is concerned with the River Nene Strategic Corridor. Policy BN8 states that the natural and cultural environment of the Nene corridor through the plan area, including its tributaries, will be enhanced and protected in recognition of its important contribution to the area's green infrastructure network, landscape, townscapes, regeneration, recreation and historic environment. Supporting text to the Policy, at paragraph 10.59, refers to how the Nene offers opportunities to restore, enhance and create wetland landscapes and other natural habitats. Paragraph 10.61 relates to the river east of Northampton (the application site is to the north of Northampton) but refers to flood risk management requirements and provision of ways to adapt to climate change. It is considered that taken in the round, the thrust of Policy BN8 generally supports the proposal.

Policy BN9 is generally concerned with development likely to cause pollution or result in development exposed to pollution and is therefore not directly relevant to the proposal. However, the text of the policy refers to a need to demonstrate provision of opportunities to where possible reduce pollution. Improving surface water quality is referred to at b) of Policy BN9. The Planning, Design and Access Statement forming part of the application documentation concludes (page 8) that improved water quality would result. Therefore Policy BN9 can be said to give some support to the proposal. In conclusion with regard to the principle of development, the proposal is supported by policy albeit that, due to the exceptional nature of the proposal, no specific policy relates to this proposal.

### Biodiversity

Paragraph 180, at d), of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported. The objectives of the proposal are to both improve flooding resilience at a broad scale and to also enhance biodiversity. Therefore, whilst it cannot be said that the primary objective of the proposal is solely to enhance biodiversity, it is considered that this part of the NPPF broadly supports the proposal.

Policy BN1 of the Local Plan (Part 1) states that measures to enhance existing and provide new green infrastructure will meet a number of criteria.

Policy BN2 of the Local Plan (Part 1) states development that has the potential to harm sites of ecological importance will be subject to an ecological assessment. Development management decisions will reflect the hierarchy of biodiversity designations.

Policy ENV4 of the Local Plan (Part 2) states that the Council will protect, enhance and restore green infrastructure assets in order to create a comprehensive network that contributes to the full range of ecosystem services including quality of life, biodiversity and climate change mitigation by a number of measures. These measures include (i) working with partners to plan for green infrastructure at a landscape scale and (iv) supporting proposals that would reconnect green infrastructure linkages.

Policy ENV5 of the Local Plan (Part 2) is concerned with biodiversity and states that the Council will support proposals that enhance designated and undesignated sites of importance for biodiversity and contribute towards a resilient ecological network.

The site has no statutory biodiversity designation. The proposal would result in the loss of improved grassland and arable habitats but these would be replaced with wetland, scrape and pond habitats. An Ecological Impact Assessment forms part of the application documentation.

The WNC Ecologist has commented that the extensive biodiversity enhancements are particularly welcomed and Natural England has no specific comments to make.

The proposal would on balance create an enhancement to biodiversity and is considered acceptable with regard to ecology policy matters.

#### Impact on Landscaping and Character of Area

The NPPF states, at paragraph 174, that planning decisions should contribute to and enhance local environment by protecting and enhancing valued landscapes (in a manner commensurate with identified quality in the development plan). This paragraph also refers to recognising the intrinsic character and beauty of the countryside.

Policy ENV1 of the LPP2 seeks to protect the landscape. Proposals are supported that maintain the distinctive character and quality of the District's landscape and incorporate mitigation measures to integrate development into its surroundings and enhance or restore the local landscape.

Policy ENV2 states, at A, that the Council will protect the special qualities of the District's areas of high quality landscape which are designated as Special Landscape Areas. The text of the Policy ENV2 continues, at B, to state that



the Council will consider the impact of proposals on the special qualities of the Special Landscape Areas, including cumulative impacts, and will resist proposals that would have a harmful effect on their special qualities that cannot be successfully mitigated.

Given the text of Policy ENV2 it is important to define what the special qualities of the site and its Special Landscape Area setting are. Two documents are considered of relevance to address this point; the Daventry Landscape Character Assessment and the Daventry Landscape Study.

The Daventry Landscape Character Assessment is a decision-making tool which systematically classifies the landscape into distinctive areas based on the interaction between landform, geology, land use, vegetation pattern and human influence. Its role is to ensure that future changes do not undermine the intrinsic character or features of value within a landscape.

The Daventry Landscape Character Assessment refers to landscape character types which in turn are divided into landscape character areas. The site is within landscape character area, 13d Cottesbrooke and Arthingworth (page 18 at [Environment - Daventry Landscape Study - Part A Landscape Character Appraisal section 2.pdf](#) refers). The study provides a guideline to conserve and enhance the cohesive and recognisable unity of character across the Undulating Hills and Valleys and ensure that the integrity of this quintessential rural agricultural landscape is not diminished through inappropriate development that results in loss of the characteristic combination of fields, hedgerows, trees and woodlands.

The Daventry Landscape Study 2017 formed part of the evidence for Part 2 of the development plan (paragraph 9.0.04 of the Local Plan Part 2 refers). A list of the evidence base for the Local Plan Part 2 is available at [Daventry District Council - Evidence Base \(daventrydc.gov.uk\)](#) More specifically, the Special Landscape Area Study Daventry District (at [Environment - Daventry Landscape Study - Part B Special Landscape Area Study \(1\).pdf](#) ) refers, at paragraph 4.17, to the Special Landscape Area having characteristics which include the following:

- Along some sections of the peripheral ridge around the SLA the undulating profile is emphasised by hedgerows and trees in addition to copses that help to emphasise landform and create a patchwork effect that adds texture and interest to the landscape. This is particularly notable around Creaton, Guilsborough, Holdenby, Great Brington, Little Brington;
- A mix of arable and pastoral land bound by generally intact and well maintained hedgerows and frequent hedgerow trees. Hedgerows are an important feature of the landscape contributing to enclosure within valleys and lower slopes and adding interest and diversity to views from higher ground;
- Rural character to the landscape reinforced by the narrow winding rural lanes connecting villages. These are often bordered by intact tall hedgerows and frequent hedgerow trees.

The landscape character assessment undertaken as part of the preparation of the Neighbourhood Plan identified the area to the north, west and south of the village of Brixworth as highly sensitive to change. This study also noted the 'expansive, sometimes breathtaking views' across this area.

The Landscaping Officer has commented to the effect of general support for the proposal, the only concerns being loss of riverside vegetation through the regrading of the banks as well as the design of the numerous pools as part of the flood management.

The comment of the Landscaping Officer continues as follows:

'Much of the bank regrading is understandably on the inside of the river meanders to allow for clear run off when the level is high. This requires the removal of general bank vegetation including Willow and Hawthorn in particular as well as other intermittent established shrubs and trees. I understand the reasoning and the retention of said trees and shrubs would not only prevent physical regrading but during future floods the vegetation can catch material washed down and create more issues. That said there is one narrow area toward the northern end of the scheme that is outside the ownership redline which will result in the retention of not only riverside vegetation but a hedge to the north and south of the field which will be likely to create a bottleneck during times of flood but that is outside the remit of this proposal.

Within the extent of the application whilst as previously noted I appreciate the reasoning for the level of river bank vegetation removal it will significantly alter the appearance of the river channel, will remove wildlife habitats and result in a significant net loss in vegetation with given the reasoning for the works little opportunity for replanting in the immediate area. I am relieved that the old river channels now ponds are to remain unaltered given the habitats they provide and where necessary paleo channel reinstatement will be carried out. Also the stand of Poplar are shown for retention and I am aware that new wetland and riparian habitat to benefit biodiversity. Is there an opportunity to undertake native tree planting in the vicinity beyond the created flood pastures on land owned by Cottesbrooke. This could take the form of a condition for offsite native planting of benefit in terms of habitat variety through hedgerow tree planting, reestablishment of declining historic hedgerows, copse planting etc.. This would positively allow the proposed flood prevention measures and associated new wetland and riparian habitat to benefit biodiversity while addressing the loss of river channel trees and shrubs with replanting elsewhere but locally. In addition the inclusion of vegetation in the vicinity of the scrapes and ponds would possibly aid wildlife.

Ultimately I do not object to the proposals just wish consideration to be given to the loss of riverside trees with potential offsite native tree planting as described above and possibility to potentially consider selective limited tree

planting in the vicinity of the flood attenuation features toward the southern end of the scheme.'

In the absence of any formal objection from the Landscaping Officer, the proposal is considered acceptable with regard to its affect to the landscape and accordingly the proposal is acceptable with regard to Policies ENV1 and ENV2.

### Impact on Amenity

The nearest residential properties are a pair of semi-detached houses, associated with a commercial use as kennels, to the northwest of the southern parcel of the site and residential properties to the east of an embankment to a former railway. Residential properties in the locality are a sufficient distance from the proposal such that there would be no material adverse effect to residential amenity.

### Heritage Assets

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Policy BN5 of the Local Plan part 1 states that designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

Policy ENV7 of the Local Plan part 2 states that proposals affecting the historic environment must demonstrate a clear understanding of any potential impact on the significance of heritage assets and their setting; any description of significance and the contribution of setting should be proportionate to the asset's importance.

Policy 9 of the Brixworth Neighbourhood Plan is concerned with heritage assets including those below ground. Part of the text of Policy 9 states that proposals that sensitively promote and interpret heritage assets will be supported.

The site and its near surroundings have no heritage asset above ground. Specialist archaeological advice states that the site is known to contain sub-surface archaeological remains identified as cropmarks. Specialist archaeological advice is that more information should be submitted. However, given that any burying of archaeological remains would only be to a depth of 10cm it is considered that no objection can be raised in principle to the proposal on the basis of archaeology. The specialist archaeological advisor

recommends a condition to any approval that there be a programme of archaeological works.

At 6.5 of the of the Planning, Design and Access Statement (page 12) which forms part of the application documentation it is stated that a Written Scheme of Investigation (WSI) will be submitted to the Council and approved prior to works commencing.

Subject to such a condition, the proposal is acceptable with regard to Policy BN5, Policy ENV7 and Policy 9.

#### Procedural matter

A pre-application enquiry, P/22/022, included a request for a screening opinion in relation to the Environmental Impact Assessment procedure. An informal opinion was expressed by email that the proposal was unlikely to be EIA development. Nevertheless the application has been reviewed with regard to EIA.

The proposal has been considered in the light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2 of the Regulations defines, in Category 10 (h), 'Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works;' where the area of the works exceeds 1 hectare. The proposal would meet this definition.

Having considered Schedule 3 of the regulations, it is concluded that, although the development would be Schedule 2 development by virtue of its size, the proposed works essentially relate to localised areas of works.

Regard has been given to the selection criteria in Schedule 3. The size and design of the proposed works would be of an extremely localised scale with no production of waste, pollution or nuisances or risk to human health.

In terms of the regulations, the site is not in a particularly sensitive area and the works would be compatible with the existing land use. The site is not located in a densely populated area.

The types and characteristics of the potential impact are likely to be extremely slight. The largest impacts are likely to come from the initial construction phase and would be very short term. The proposed works would not have any complex or cumulative impacts.

Overall, the design of the scheme would be of a high standard to minimise any visual and landscape impacts. Any potential impact to biodiversity at a detailed level could be addressed by condition. Overall the proposed development would bring long-term biodiversity enhancement.

The proposal has thereby been screened as part of an Environmental Impact Assessment and it has been found that planning permission could be granted with regard to Regulation 3 of the Regulations. Accordingly no Environmental Impact Assessment was required.

## **FINANCIAL CONSIDERATIONS**

The nature of the proposal, with no floorspace to be created, is such that it would not trigger liability for CIL.

## **PLANNING BALANCE AND CONCLUSION**

This proposal would enable many environmental benefits to be realised, including natural flood management, improved water quality and biodiversity enhancements. The proposal accords with the relevant policies within the development plan. The proposal is acceptable visually and does not harm the character or tranquillity of the countryside and there are no residential properties in close proximity to the site. In accordance with JCS policy SA and paragraph 11 of the NPPF planning permission should be granted without delay.

## **RECOMMENDATION / CONDITIONS AND REASONS**

The proposed development is recommended for approval subject to conditions.

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with the drawings FNS-JBAU-00-00-DR-Z-0005 Revision P01, FNS-JBAU-00-00-DR-Z-0004 Revision P04, and FNS-JBAU-00-00-DR-Z-0003 Revision P03 received 29/04/2022.**
- 3. No spoil or excavated material shall be removed off-site.**
- 4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
- 5. The development shall be carried out in accordance with the submitted flood risk assessment prepared by JBA Consulting, dated April 2022 for Cottesbrooke Estate NFM Construction and the following mitigation measures 1. Works to not increase flood risk to the area 2. Any excavated material to be removed from the floodplain. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained**

thereafter throughout the lifetime of the development. A Flood risk activity permit will be required.

#### **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. For the avoidance of doubt as to the scope of the permission hereby granted and in the interest of the avoidance of disturbance by vehicles taking any spoil off the site.**
- 4. To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF paragraph 199.**
- 5. In the interest of flood risk management in accordance with Policy BN7 of the Local Plan Part 1, Policy ENV11 of the Local Plan Part 2 and the provisions of the NPPF.**

#### **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.**