



# 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 5 October 2022 at 6.00 pm**

## Agenda

<b>1.</b>	<b>Apologies for Absence and Appointment of Substitute Members</b>
<b>2.</b>	<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.
<b>3.</b>	<b>Minutes</b> (Pages 5 - 8) To confirm the Minutes of the Meeting of the Committee held on 7 <sup>th</sup> September 2022.
<b>4.</b>	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>Planning Applications</b>	
<b>5.</b>	<b>Planning Application DA/2020/0479 Flore</b> (Pages 13 - 80)
<b>6.</b>	<b>Planning Application - WND/2021/0482 Woodford Halse</b> (Pages 81 - 122)
<b>7.</b>	<b>Planning Application - WND/2021/0717 Boughton</b> (Pages 123 - 152)
<b>8.</b>	<b>Urgent Business</b>

	The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
<b>9.</b>	<p><b>Exclusion of Press and Public</b></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>

Catherine Whitehead  
Proper Officer  
27 September 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.

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### **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

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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 7 September 2022 at 6.00 pm.

Present Councillor Kevin Parker (Chair)

Councillor Daniel Cribbin  
 Councillor Rosie Humphreys  
 Councillor Cecile Irving-Swift  
 Councillor David James  
 Councillor Peter Matten  
 Councillor Wendy Randall

Substitute Members: Councillor John Shephard

Apologies for Absence: Councillor Alan Chantler  
 Councillor Rupert Frost

Officers: Keith Thursfield, Development Management Manager  
 Jeverly Findlay, Committee Officer

#### 63. **Declarations of Interest**

None advised.

#### 64. **Minutes**

##### **RESOLVED:**

That the Minutes of the Daventry Local Area Planning Committee of 3<sup>rd</sup> August 2022 be approved and signed as a correct record.

#### 65. **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.

66. **WND/2021/0883 – CREATON – 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 – LAND OFF CREATON ROAD**

The Development Management Manager outlined the application for the brownfield site situated between Creaton and Brixworth. The current buildings on the site and the surrounding area were unkempt and it was considered that the proposal would result in an environmental improvement. The site was in a Special Landscape Area but there were other industrial uses nearby. Highway had no objections to the scheme and there was a straight section of highway at the entrance to the site. Details of materials had been received for the proposed warehouses and office block and Members viewed the elevation drawings. The applicant would enhance the biodiversity on the site by planting of trees and through the creation of a swale.

The Chair read out a statement from Councillor Jonathan Harris, one of the local ward Members, who was unable to attend the meeting. Councillor Harris highlighted that the site had been derelict for several years and was in open countryside with difficult access from both directions. Councillor Harris considered that the application was against policy ENV2 and was contrary to the Local Plan. Councillor Harris requested that the Committee defer the application to receive comments from the Local Lead Flood Authority or that they refuse the application.

Mr Chris Levett, the Agent, addressed the Committee and noted that the site had been used as brownfield land for 150 years. The land was not in a flood risk zone and there was an existing drainage system on the site for the buildings. The proposed new buildings would be built to a high thermal performance standard with solar pv panels, an air source heat pump and electric charging points for vehicles provided. Further to enquiries from Members, the Agent advised that there would be around 10 full time members of staff and 10 part time members of staff travelling to and from the site and some occasional visitors. The barn on the site was for plant and materials storage.

The Development Management Manager advised that the Local Lead Flood Authority had provided a holding response to the consultation regarding the application, as they currently had resourcing issues and could not provide a full response. Officers considered that as the site already existed and the drainage system was already in place, that the application was acceptable.

Councillor Cecile Irving-Swift proposed that Officers' advice to approve the application be accepted, as it would provide local employment and as the biodiversity at the site would be enhanced. The proposition was seconded by Councillor David James and on being put to the meeting was declared carried with 6 voting in favour and 2 against.

**RESOLVED:**

That the application be approved, subject to conditions.

67. **WND/2022/0393 – BRIXWORTH – 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, 100MM IN DEPTH – LAND TO NORTH AND SOUTH OF STATION ROAD AND WEST OF BRAMPTON VALLEY WAY**

The Development Management Manager outlined the application and drew Members' attention to the list of late representations and that the Surface Water Drainage Assessment Team had no comments to make on the application. The proposal would enhance biodiversity and would assist in flood prevention. The applicant had worked closely with the Environment Agency regarding the scheme. It was noted that there was a typographical error in the report, the material deposited on the fields would be 100mm in depth, not 100m.

Councillor Cecile Irving-Swift noted the support of the Environment Agency for the application and proposed that Officers' advice to approve the application be accepted. The proposition was seconded by Councillor David James, and on being put to the meeting was declared carried unanimously.

**RESOLVED:**

That the application be approved, subject to conditions.

The meeting closed at 6.40 pm

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

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

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**PLANNING APPLICATIONS**

**PLANNING AGENDA**

**05-Oct-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**

<b><u>Application Number</u></b>	<b><u>Location</u></b>
DA/2020/0479	Flore
WND/2021/0482	Woodford Halse
WND/2021/0717	Boughton

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.

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<b><u>Application Number</u></b>	<b>DA/2020/0479</b>
<b>Location Description</b>	<b>LAND TO EAST OF BRINGTON ROAD, FLORE, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>OUTLINE PLANNING APPLICATION OF UP TO 45 DWELLINGS, TO INCLUDE 40% AFFORDABLE DWELLINGS (7 ONE BED HOMES, 5 TWO BED HOMES AND 6 THREE BED HOMES), INFRASTRUCTURE AND OPEN SPACE. (ALL MATTERS RESERVED OTHER THAN ACCESS).</b>

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<b>Applicant</b>	<b>BARWOOD HOMES LTD</b>
<b>Agent</b>	<b>MS JENNY KEEN, MARRONS PLANNING</b>
<b>Case Officer</b>	<b>NISAR MOGUL</b>

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<b>Ward</b>	<b>WEEDON</b>
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<b>Reason for Referral</b>	<b>MAJOR APPLICATION</b>
<b>Committee Date</b>	<b>5 OCTOBER 2022</b>

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

### **RECOMMENDATION:**

**That the application be approved and subject to a section 106 agreement and conditions.**

### **Proposal:**

This proposal is for an outline application for up to 45 dwellings to include 18 affordable dwellings. The means of access is the only detailed matter to be considered at this outline stage and everything else is to be considered at the reserved matters stage. An illustrative layout has been submitted in order to show how the site could be developed.

There have been several amendments to this application. The original submission was for outline application for up to 70 dwellings, to include 40% affordable dwellings, and associated site infrastructure and open space (all matters reserved other than access).

Following comments from various consultees, the number of dwellings were reduced to up to 60 dwellings. However, in March 2021 WNC (Daventry Area) undertook a Local Housing Needs survey which identified that there was a need for 54 dwellings in Flore. Following the survey, the proposal was reduced to upto 45 dwellings to include 40% affordable dwellings (7 one bed homes, 5 two bed homes and 6 three bed homes).

Therefore, this outline application seeks planning permission for the construction of up to 45 No. dwellings that will comprise of 18 affordable dwellings and 37 market houses and associated parking and garages to include a storm water attenuation pond to the south eastern corner of the site. The application site has been put forward as a rural exception site and is located to the eastern side of Brington Road and to the northern side of High Street and is within open countryside adjacent to the edge of the village confines of Flore. The proposal accords with the demonstrated need for dwellings through the Flore Housing Needs Survey (HNS) (2021).

Although the proposal is for housing development beyond the village, national and local planning policies set out circumstances for allowing for development outside of the defined settlement confines and the proposal would accord with the criteria stated in respect of providing housing to meeting a locally identified need. Therefore, subject to the completion of a S106 Legal Agreement which secures the required affordable housing, tenure mix and property types in-line with the HNS and financial contributions towards education, libraries, highways (bus stop infrastructure) and NHS, then this should address the policy requirement and justify the exception for development outside the settlement confines and for providing further housing at a time when the housing requirement for rural areas has been met.

It is considered that although there is some conflict with Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (WNJCS), the principle of these local needs dwellings in this countryside location is supported by Policy H3 of the WNJCS.

The proposal will not lead to any detrimental highways safety issues and it is considered that the indicative layout of the proposal will not have a detrimental impact on the character and appearance of the locality nor will it have an undue detrimental impact on any surrounding residential amenity in terms of loss of light or overlooking issues. The benefits from the proposed dwellings will outweigh any potential adverse impacts on the open countryside and the adjacent conservation area given the social, economic and environmental benefits to be had for the development of the site.

On balance, it is considered the proposal is in accordance with WNJCS Policies SA, S10, H2 and H3 and Policies SP1, RA2, RA6, HO8, ENV1, ENV10 and ST1 of the Settlements and Countryside Local Plan (Part 2) (2020) and having regard to chapters 5, 9, 11 and 12 of the Framework.

**Consultations – Based on final amended plans under consideration:**

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

Flore Parish Council

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

WNC Conservation Officer

WNC Landscape Officer

WNC Local Highway Authority

WNC Environmental Health Officer

WNC Ecology Officer

WNC Archaeology Officer

Natural England

Environment Agency

WNC Planning Policy

43 letters of objection have been received as part of the original plans (Up to 70 dwellings) and 17 letters of objections were received following the final amended plans relating to (up to) 45 dwellings to include 40% affordable dwellings and 0 letters of support have been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail below in the report.

The key issues arising from the application details are impact on:

- Principle of the development
- Impact on the area and the adjacent Conservation Area
- Impact on neighbour residential amenity
- Impact on highway safety
- Impact on Ecology
- Impact on Archaeology

The report looks into the key planning issues in detail below, and Officers conclude that the proposal is acceptable and should be approved.

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

## **MAIN REPORT**

### **APPLICATION SITE AND LOCALITY**

The application site lies on the east side of Brington Road and is a corner plot which is also adjacent to High Street and is on the edge of the village of Flore and the site is circa 300m by 96m. The village is around 1.8 miles from Junction 16 of the M1 motorway. The nearest railway stations are located in Northampton and Long Buckby, providing national rail services to urban centres including Rugby, Birmingham and London. Flore benefits from a range of local services and public amenities including a primary school, a post office and convenience store and public house.

The application site is approximately 2.9 hectares of pasture land, located on the north-east edge of the village and is rectangular in nature. The site is bounded by open fields to the east, residential properties to the south and a recently completed residential development immediately west of Brington Road. The A45 Daventry Development Link Road and M1 motorway run to the north of the site.

The site to be relatively flat, with a gentle fall from north to south. The site is split into three paddocks, with some small sheds but no other built structures. Existing established trees and hedgerows line the site boundaries and internal paddock boundaries. There is also a small group of trees in the north-east corner of the site.

The site is not located within a conservation area or area of outstanding natural beauty. The boundary of the Flore Conservation Area runs along High Street directly to the south of the site. The raised bank between the north of High Street and the application site forms part of Flore 'linear village green', as set out on the Flore Neighbourhood Development Plan 2016. A public Right of Way runs along the southern and south west and south eastern boundaries of the site.

The site is accessed directly off Brington Road and the proposals would provide a single dedicated point of vehicular access, with a new access road built to adoptable standard.

### **CONSTRAINTS**

The site is situated on the edge of the village with open fields to the north and east and does not form an intrinsic part of the character of the village but is seen in the wider context of open countryside. The site is largely contained



and bounded by trees which are to be retained and there still remains open countryside beyond the site to the north and east of the site. It is considered that the proposal would not result in an unacceptable incursion of development in the open countryside. The Flore Conservation area lies adjacent to the south of the site boundary.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

The initial proposal consisted of outline planning for up to 70 dwellings, to include 28 affordable units, associated site infrastructure and open space. This was for all matters reserved other than access. The indicative layout plan shows the proposed dwellings to be spread over the majority of the rectangular site area.

Following, concerns raised by various consultees and following the completion of the Flore Housing Needs Survey undertaken by the WNC (Daventry Area) the proposal was then reduced initially to 60 dwellings and the further reduced as per final proposal under consideration to up to 45 dwellings with 40% affordable dwellings which equates to 18 affordable units in total. On a site of 45 dwellings, 12 affordable or social rented dwellings and 6 shared ownership would be expected, which should reasonably reflect the needs identified in the 2021 Housing Needs Survey Report.

The indicative affordable need and mix breakdown is as follows:

1 bed flat/maisonette - 4 identified need and 4 are proposed

2 bed houses – 2 identified need and 2 are proposed

3 bed houses – 5 identified need and 6 proposed

1 and 2 bed bungalows – 7 identified need and 3 one bed and 3 two bed proposed.

The overall indicative mix of house types proposed are as follows:

7 one bed homes (15%)

10 two bed homes (22%)

24 three bed homes (53%)

4 four bed homes (9%)

The proposal includes a single vehicular access via the existing access from Brington Road and it is proposed to retain the existing service run (with easement) which crosses the site from west to east and enhancement of this to make it a feature of the site by way of a Green Corridor through the site.

The surface water drainage system includes the formation of an attenuation basin located in the south eastern corner of the site which can also act as additional wetland habitat.

The proposal includes the creation of recreational walking and cycling routes throughout the site (including the retention of the existing public right of way) providing linkages into the wider village and a significant area of public open space whilst retaining of existing trees and hedgerows where possible and the provision of new trees and planting as part of a landscaping scheme.

## **RELEVANT PLANNING HISTORY**

There are no relevant planning applications on this site. However, planning permission was granted for 67 dwellings to the west of the site (separated by Brington Road) under application DA/2013/0703 – Approved 02/04/2015.

## **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 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **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; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

### **West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)**

- |            |  |
|------------|--|
| 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 12,730 additional dwellings in Daventry District 2011 – 2029.   |
| Policy S10 | Sustainable Development Principles   |

Policy BN5 Historic environment and landscape

Policy H2 Affordable housing

Policy R1 Spatial Strategy for the rural areas

**Daventry District Settlements and Countryside (Part 2) Local Plan (2019) (LPP2)**

Policy SP1 Daventry District Spatial Strategy

Policy RA2 Secondary Service Villages

Policy HO8 Housing Mix and Type

Policy ST1 Sustainable transport infrastructure

Policy CW1 Health and wellbeing

Policy CW2 Open space requirements

Policy ENV1 Landscaping

Policy ENV5 Biodiversity

Policy ENV8 Renewable energy and low carbon development

Policy ENV10 Design

**Flore Neighbourhood Development Plan**

F2 - Scale and type of new residential development

F5 – Design of Development

F9 –protection of local green spaces

F12 – the new linear village green

**National Planning Policy Framework (NPPF) (2021)**

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay. Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

**RESPONSE TO CONSULTATION**

**Below is a summary of the consultation responses received under the original plans (Up to 70 dwellings):**

**Flore Parish Council** – Flore Parish Council strongly opposes this application for the principal reason that it does not accord with Planning Policy in both the Flore Neighbourhood Plan (Made 2016) or the adopted Daventry Settlements and Countryside Plan (Part 2) 2011-2029 (Adopted February 2020).

There are also additional grounds for objection in addition to clear, and overarching, policy grounds.

**1. The Flore Neighbourhood Development Plan.** The Flore Plan, which was made in 2016, is an integral part of the planning process. The Plan through Policy F2 – scale and type of new development - established a Development Area boundary for the village which, through a revision made in the Settlements and Countryside Plan, now includes the two latest housing developments, both completed within the last four years. This application is located outside of the development area and is therefore contrary to policy F2. Furthermore, the application is contrary to Policy F4 – Affordable housing and rural exception sites – as it comprises 70 dwellings with some affordable housing.

The recent history of development within the village is also a material consideration as a consequence of cumulative impact. The village has recently had two major residential developments. Application DA/2014/0454 on land off Brockhall Road and DA/2013/0703, which is the recently completed Bovis Homes development. These two developments added 97 new houses to the village, which increased its size by nearly 20%, which is a considerable addition to any community. It was as a consequence of these two applications and the potential continued outward extension of the village that the Flore Plan actively sought to encourage new development within the Flore Development Area boundary. It is possible that there will be such a development on the site of the demolished garage which will raise the increase in size to 22%. The addition of a further 70 dwellings would bring the increase in six years to 36%. This cumulative effect has been relevant in recent appeal cases. This proposal is entirely outside the Area boundary and should therefore be rejected upon those grounds alone.

**2. DDC Settlements and Countryside Local Plan 2 (Part 2) 2011-2029 (Adopted February 2020)** This is a key planning policy document that reinforces the made Flore Plan and its planning policies. It has also recently been adopted which gives the plan considerable weight.

Vision and Objectives - As a starting point it is important to consider the plans vision and objectives which all of its policies underpin and support. A key aspect of the Plans vision is for 'new development to be focused on the town of Daventry' and that 'our rural areas will support a network of vibrant communities. Villages will retain their local distinctiveness and character'.

Objective 9 (housing) of the Plan states 'Housing will be focused at the most sustainable location of Daventry with limited development in the rural areas to provide for local needs and support local services'. Both the vision and objectives are compelling. The most sustainable areas to build within the District is the town of Daventry. It has the capacity and infrastructure to accommodate significant areas of housing development and any development in the rural areas prejudices the vision and objective of DDC to focus development in the town of Daventry.

**Housing in Rural Areas.** The Flore Plan closely follows the development principles set out in the DDC Plan Chapter 5. This chapter places strict limitations on further development in rural areas on the basis that the overall spatial strategy for the District seeks to direct greater levels of growth to Daventry town. This end will be undermined for as long as developers can exploit green field sites on the perimeter of villages where construction is easier, sales easier to achieve and profits potentially higher. Paragraph 5.1.03 makes the clear point that 'the requirement for the rural areas has been exceeded' as at 1st April 2019 with 10 years of the Plan remaining.

**Secondary Service Villages.** Flore is designated a secondary service village in the Local Plan (Policy RA2). In reference to such villages the Plan states that "there is no justification for further allocations (of housing)" and "development should be within the confines of the village as defined on the inset map"- this application clearly is located outside of the inset map boundary. Since the adoption of the Local Plan the village has lost several of the facilities which justified the designation, including the garage, the cafe, hairdressers, the farm shop and the restaurant. The pub is currently shuttered.

**Other grounds for objection** Despite the clear and overwhelming policy justification that clearly means that this application should be refused there are a number of detailed issues which we wish to bring to you attention.

- i) **Highway Issues:** The proposed access to the development off the Brington Road. This is a narrow country road with no footpaths and relatively high vehicle use providing access to villages to the north from J16 of the M1. It's straightness encourages high speeds and it is inappropriate to introduce access to a substantial housing estate therefrom. The location of the access into the site itself is severely constrained by both the width of the Brington Road and its close, and visually compromised, proximity of the its junction with the High Street. This access is to be used during construction works for the delivery of all materials. This road and proposed junction is substandard and unsafe.
- ii) **Site Location:** The proposed site is a field which, although close to the village boundary, is separated from any village property or street and will effectively be an isolated suburb. It will be difficult to

achieve any community cohesion and is remote from community facilities. The site layout is a standard suburban type of landscape which fails to reference it's village context. It takes away the existing copse of trees in the north-east corner, which the landscape appraisal acknowledges is 'significant', offers some screening from the motorway and instead uses the affordable housing as a barrier to traffic noise for the full market sale houses in the south of the site. It also appears to reduce the hedge line on the eastern boundary where the landscape appraisal points out there was considerable bird song, and which again may provide at present a little reduction of the very significant motorway and bypass noise to which this site is exposed.

- iii) **Drainage:** There is an assumption that the surface water outfall will be to existing surface water drains running down Bliss Lane. The surface water drainage in general discharges to the river, is not adopted, with unknown ownership. It's condition is unknown and this proposal is a serious concern to the village flood warden. We have had well documented periods where the village hall has flooded as a consequence of run-off from the highway. The means of drainage, both surface and foul, have to be fully assessed at this stage. It is not appropriate to consider these issues at the reserved matter stage when the principal of the development has been approved. This is such an important issue to villagers and the parish council that this must be considered and assessed at this stage.
- iv) **Archaeology:** Local knowledge of the site is that historically it used to be village tip and burial ground for those in the community who could not be buried within the churchyard hence its name of Bedlam Pit.
- v) **Ecology-** The Parish Council fully support the views expressed by Paul Minton, a resident, who has objected to the proposal with detailed views.

**Conclusion** - This application clearly fails to meet policy and therefore should be refused. Additional development in a village that has seen considerable expansion in recent years prejudices the aims of DDC to focus development in Daventry. In addition, there are a number of detailed issues that the Parish Council and villagers, who have written to you, wish to bring to your attention. Some of these, such as highways and drainage, are fundamentally important to assess at this stage and not as reserved matters. If the Council were to approve this application the precedent set would be catastrophic for the success of DDC's recently adopted Local Plan and the Flore Neighbourhood Plan and would result in serious harm to the character and form of the village which would have to be compensated for through significant s106 mitigation measures.

**WNC Local Highways Authority** - In respect of the above planning application, the local highway authority (LHA) has the following observations and requests to make;

#### Transport Assessment

- The LHA will not be requesting analysis of the local RTC's near the site as these pre-date the bypass opening which has significantly altered traffic flows in the area and would not give an accurate picture of the current situation.
- Appx B – the swept path analysis exercise of the refuse vehicle demonstrates that the refuse truck can't negotiate the proposed site access without crossing the centre of the road– as below; this is not acceptable. The applicant must either undertake the exercise again, if this still remains an issue then widening of the carriageway, or enlargement of the site access radii will be required.
- The traffic survey was apparently undertaken at the end of January 2020. The applicant is required to provide a plan showing the location of the 2 data collection points please.
- Section 5 Trip Rates – the LHA require the TRICs data to be rerun using only populations under 100K within 5 miles. The TA omitted London and Wales; however, the LHA permit the usage of Welsh data. The trip rates currently appear to be very low, which is questionable. The TA cannot, at this stage, be agreed, given the need to adjust trip rates.

The indicative layout appears to show a footpath connection to the site near to the junction with High Street. Whilst it is appreciated that the internal layout of the site will be dealt with at Reserved Matters stage, it appears that the footway links a private driveway to the public footway. Any foot/ cycle links must provide access to public highway or public open space. Pedestrians will not have a right of access across a private driveway.

A means of pedestrian/ cycle access should be moved to a position off the turning head within the site onto High Street.

#### Internal Layout

The applicant will be required to submit a fully compliant and adoptable internal road layout and parking strategy at Reserved Matters stage should planning consent for this outline application be granted. To assist the applicant, a number of documents have been attached to this response which provide further guidance on the design requirements.

#### Off-site Highway Works

The new 2.0m wide footway on the east side of Brinton Road between the proposed site access and High Street will require the applicant entering into a Section 278 Agreement with the LHA. The site access itself will require a Section 278 Agreement. In order to ensure that the site has good pedestrian access to the facilities located in Flore village, the following additional works would be required to be funded by the applicant;

- New dropped kerbs across Brington Road at its junction with High Street. These are currently full height kerbs.
- A new informal crossing (dropped kerb/ tactile paving) of High Street to provide a location for pedestrians to cross the road to gain access to the footway on the southern side of High Street and westbound bus stop. The exact position of the crossing point to be agreed.

It is possible that these works could be undertaken under the same Section 278 Agreement as the Brington Road site access and footway works.

The LHA request that these off-site works are Conditioned should this application receive planning consent.

#### Travel Plan

The submitted residential travel plan has been reviewed and approved by the LHA. The review document is attached to be passed to the applicant for their information.

#### Public Transport

Flore already benefits from a half-hourly direct service to both Northampton and Daventry and therefore a Bus Service Contribution would not be required. There is a westbound stop on Flore High Street by King's Lane which would serve the site. It already has a Trueform-style pole but no shelter so the LHA would be seeking funding for a shelter in this location. There is no eastbound stop opposite King's Lane so the LHA would seek funding for both a Trueform-style pole and bus shelter. This would not be a timing stop so a layby would not be required. 2 wooden bus shelters with installation would cost in the region of £12k, and maintenance and replacement would be £56k. One eastbound bus stop pole would cost £2k. The LHA would not require these stops to have real time displays. Therefore, bus stop infrastructure would total £70k.

Additionally, the applicant would be required to provide a Midlands 4 week Megarider Gold for each dwelling which would be £110 on request from the resident. This covers all Stagecoach services in Northants and Warwickshire.

#### Public Right of Way EU7

Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath/ No. EU7 (as shown on the plan below) which crosses the proposed development site as follows:

With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.



- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).
- If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary.

Conditions:

Prior to the commencement of works affecting any existing public right of way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.

Notes:

1. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams. 2. The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of DA/2020/0479. The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.

Northamptonshire County Council is available, and preferably required, for the involvement, guidance and consultation at all stages of the diversion orders as necessary.

This response is without prejudice to any Public Right of Way which may exist across the site but whose presence is not recorded on the County Council's Definitive Map and Statement (2016).

Note - Section 257 of TCPA 1990 only applies to PROW as follows; FP's BW's and Restricted Byways. LPA's cannot divert or stop up BOATS; this can only be done at a magistrates court.

**WNC Archaeology** - The site lies to the north of the High Street. The applicant has provided a desk-based assessment which indicates that while there are records of archaeological finds in the vicinity, the potential for the site to hold remains is generally low until the medieval and post-medieval periods, and that this later activity is likely to be agricultural in nature.

Given that the site to the east produced relatively few results and that other investigations in the area have not demonstrated widespread intensive archaeological remains, I would reiterate my response to the consultants (dated 4th March 2020) and agree with the conclusion of the desk-based assessment that the potential of the site can be addressed by the use of a suitable condition for a programme of archaeological work. This work would

comprise evaluation by geophysical survey and trial trenching in the first instance with further mitigation to be decided based on the results of the evaluation.

The proposed development may have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure this please attach a suitable condition for a programme of archaeological work as recommended above and in line with NPPF paragraph 205 to any permission granted in respect of this application.

Our standard condition is worded as follows:

Condition: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

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

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

**Wildlife Trust (Ecology)** - At present the application site is horse grazed pasture with some woodland and is surrounded by hedgerows of various types. A Preliminary Ecological Appraisal (EDP, Feb. 2020) is included within the application. I would like to highlight a few points raised within this report, some of which require further work before this application can be determined.

#### *Bat and Reptile Surveys*

The Preliminary Ecological Appraisal recommends that further survey work is required for bats (to investigate commuting routes) and reptiles. It mentions that these will be provided within the determination period. A update on these surveys would be useful. Whilst I appreciate that they may have been

delayed during Covid-19 restrictions they could now be conducted. The results of them will need to be submitted as part of the application and integrated into the proposal prior to determination. In paragraph 174 of the National Planning Policy Framework a footnote is included which references Circular 06/2005 'in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system'. Paragraph 99 of this Circular states that:

*"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below."*

The Biodiversity Supplementary Planning Document for Daventry District Council also includes the requirement for such surveys to be completed. They need to be conducted by an appropriately qualified ecologist at a suitable time of year.

#### *Biodiversity Net Gain*

I am very pleased that the Preliminary Ecological Appraisal includes an assessment of the biodiversity gain/loss of the proposal using a biodiversity metric and that the results of this are included. At present the metric reports a significant net loss in habitat units and also a loss in linear (hedgerow) units. As stated in the Appraisal a good proportion of the habitat units lost come from the loss of woodland at the northern edge of the site. It is understood that this application is in outline with landscaping and layout reserved matters. Should the application progress I would strongly encourage the further use of the biodiversity metric to guide the proposal as I suspect that more units could be incorporated into the onsite open spaces around the attenuation basin and service route. For example, could retention and enhancement of the woodland be explored? Some offsite compensation may also be required. Should the outline application be granted all later stages must show a net gain in biodiversity, I expect that this would be possible. When it comes into effect the Environment Bill will require a 10% net gain in biodiversity.

*Suggested Conditions:*

Should the planning authority grant consent to this application I would recommend a few conditions to prevent harm to protected species and benefit biodiversity. These are:

- The production of a Construction Environment Management Plan (CEMP). This should incorporate the findings of the further surveys as well as measures to protect breeding birds and habitats to be retained during construction.
- The production of a Landscape and Ecology Management Plan (LEMP). The Preliminary Ecological Appraisal makes a number of recommendations which should be included in this, such as measures for hedgehogs and breeding birds. I would suggest the incorporation of swift and bat bricks into suitable buildings instead of swift and bat boxes as the bricks last much longer. It should also include the management of the habitats to be retained and created on the site linked to the biodiversity net gain proposal.

**WNC Environmental Health Officer** – No objections subject to the following conditions and informatives:

**1. Noise**

The application includes a noise report of sorts but given the C-19 pandemic no noise survey work has been possible to establish actual noise levels. Looking at the site and the planning history of the adjacent site, the local noise climate will not be one that makes the site unsuitable for residential use, provided that the development is designed with key noise reduction principles in mind. I'd therefore recommend the following condition be imposed. It should be noted that the developer will need to accept that the housing nearest to the main highway/M1 will need a higher level of noise protection than the rest and that this might mean that houses with private gardens may not be suitable. However, we won't know this until a noise survey is undertaken:

*Prior to the occupation of the residential units a scheme for achieving the external and internal noise levels outlined in BS8233:2014 (or as amended) and World Health Organisation Community Noise Guidelines 1999 (or as amended) shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.*

**REASON:** *Details are required prior to the commencement of development in the interest of safeguarding residential amenity under Policy BN9 of the West Northamptonshire Joint Core Strategy*

**Informative:**

*The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications which are seen as the last mitigation solution to be considered, as supported by stage 2 of the ProPG guidance.*

*It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels do not meet the standards required. Whilst there is some flexibility to the standards required this can only be applied where planning policy supports the need for the development.*

*The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk).*

*The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.*

**2. Contaminated Land**

The application has included a phase 1 or desk top study that indicates the site history poses a low risk to future occupiers. I would therefore suggest the following condition:

*In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.*

**REASON:** *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies BN9 of the West Northamptonshire Joint Core Strategy.*

Informative :

*Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas.*

*Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR 211 Radon: guidance on protective measures for new dwellings).*

### **3. Construction Management Plan (CMP)**

I would recommend the following condition:

*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*

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

***Informative:***

*The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:*

- the parking and turning of vehicles of site operatives and visitors;*
- loading and unloading of plant and materials;*
- storage of plant and materials used in constructing the development;*
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;*
- wheel washing facilities;*
- measures to control the emission of mud, dust and dirt during construction;*
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.*
- design of construction access*
- hours of construction work*
- measures to control overspill of light from security lighting*

***Informative:*** *Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.*

*Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.*

*Works audible at the site boundary outside the approved hours may result in the service of a Notice restricting the hours. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.*

#### **4. Invasive Weeds Informative**

*Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>*

#### **5. Air Quality**

The application has included an air quality assessment of sorts but as with the noise assessment traffic levels have not been normal due to the C-19 pandemic so it's been difficult to predict traffic volumes and therefore the impact on air quality. However, as a local authority we are moving away from requiring air quality assessments but instead focusing on how good air quality can be protected and prevented from worsening, due to the cumulative impact of development. This is based on the principle that all development will generate traffic and only very large scale developments close to residential receptors will have any significant measurable impact on air quality. This is the principles laid down in the East Midlands Planning and Air Quality Guidance that we are moving towards as West Northants. NBC and SNC are already applying these principles, and policies C1, C2, S10 and S11 support this shift in approach towards a fit for purpose low carbon, sustainable future.

The travel plan with the application indicates that residents will be encouraged to use low emission vehicles but without the infrastructure needed they won't have much choice. I'd like to see the development install electric vehicle charging point capacity into every residential unit with a private driveway, and also electric vehicle charging points installed for shared residential accommodation, for example, flats.

Crime Prevention Officer - Northants Police has no objection to the principle of housing in this location and the illustrative layout looks to be fairly acceptable in that houses have back-to-back gardens, on plot parking and face each other and the main spine road. The only concern at this concept stage is the position of the LAP. It is tucked away in the corner of the site and is not subject to any supervision from adjacent dwellings. Play areas should be separated from the nearest dwelling by a well-used road to reduce the possibility of noise nuisance and anti-social behaviour but the space should still be under supervision otherwise potential users may well consider it to be unsafe. Children like to have some supervision in case issues of bullying

arise whilst they are playing and vandalism is less likely to occur if the site can be seen from within nearby houses.

**Environment Agency** – No objections to the proposed development.

**Natural England** – No comments on this application.

**Lead Flood Authority** – Insufficient information available to comment on this proposal.

**Ramblers Society** – A public right of way, a footpath Eu7 runs along the SE boundary of the site at the corner of High Street and Brockhal Road. The footpath must be retained.

### **Northamptonshire County Council –**

#### **EDUCATION:**

Based on the proposed dwelling mix, it is expected that the proposed development will generate a pupil yield of approximately 20 Nursery / Pre-school pupils, 18 Primary School pupils and 14 Secondary and Sixth Form School pupils based on our adopted pupil generation multipliers.

Early Years Services - The County Council has a statutory responsibility to provide Early Years services (e.g. pre-school, play-group, and/or nursery provision) for children aged two, three or four. The County Council's 'sufficiency of capacity' evidence base for Early Years provision is currently being updated and it is therefore not possible to determine what the current capacity is and likely impact of this development on demand for places.

In the event that a s106 planning obligation towards delivery of additional Early Years provision is required, the current Department for Education (DfE) cost multipliers for Early Years Education are as follows:

Size of Dwelling 1 bed - Cost per Unit £0; 2 bed - Cost per Unit £3,724; 3 bed Cost per Unit £3,972 and 4 bed – Cost per Unit £4,220.

The county council will provide an update on this position once the sufficiency of capacity work has been completed, and further consultation with the county council is recommended on this point to ensure the most up to date information is included in any future s106 agreement.

If there is a lack of capacity identified for Early Years, a s106 contribution of £254,208 would be required, based on the proposed dwelling mix.

#### Primary Education

In terms of Primary Education, Flore CEVC Primary School would most likely serve the development. However, as at June 2020 the school was operating close to the Department for Education's recommended capacity thresholds. Furthermore, when considering the cumulative impact of existing planning permissions in the surrounding area, limited levels of capacity in neighbouring schools and current forecasts indicating continued high levels of demand for places, it is not expected that there will be sufficient capacity to accommodate the pupils from this proposed development without additional capacity being made available in the area.



On this basis, a s106 obligation from this development towards enhancing and increasing the provision of Primary Education infrastructure and capacity in the area will therefore be required to ensure that the children generated by this development can be accommodated within a local school.

A Primary Education contribution of £228,138 will be required, based on the proposed dwelling mix. This figure will be reassessed and a suitable project identified once the mix of dwellings proposed to be delivered on the site is confirmed through the planning process. The County Council recognises that any contribution secured must be spent on mitigating the impact of the development locally; however we reserve the right to specify the project on which it is spent on at a later date when further clarity is known, for example the ability of local schools to expand on their sites

Secondary Education - Secondary Education contributions for the Daventry District area have previously been secured through developer contributions under the Community Infrastructure Levy (CIL). This was demonstrated by the inclusion of Secondary Education on Daventry District Council's Regulation 123 list. However, legislative changes effective from 1st September 2019 have seen the removal of Regulation 123 in full.

This means that from 1st September 2019, where necessary, Section 106 contributions will be sought from new planning applications for housing development, towards additional Secondary Education infrastructure where there is insufficient capacity in the local area to accommodate the number of pupils generated by the proposals.

The proposed site would most likely be served by Champion School. This school is currently operating close to the DfE's recommended capacity threshold, with forecasts indicating an increase in demand for places based on birth rate and three-year trend data alone.

Furthermore, when considering the cumulative impact of other planning permissions coming forward in the surrounding area, it is expected that there will not be sufficient capacity to accommodate the likely number of secondary age pupils that the proposed developments will generate, without additional provision being made available.

As such, a s106 Secondary Education contribution will be required from this development to ensure that the pupils generated by the dwellings can be accommodated in a local school.

A s106 contribution towards Secondary Education of £263,065 will be required, based on the proposed dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

### **Northamptonshire County Council – LIBRARIES:**

Where a new development will generate additional need and library space requirement, the County Council requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth.

This development is expected to impact on the current level of library provision as the new residents moving into the developments utilise existing facilities. The County Council has adopted the National Library Tariff formula produced by the Museums Libraries and Archives Council (MLA). This includes:

- A minimum standard of 30 sq. metres of new library space per 1,000 Population.
- A construction and initial equipment cost on a per sq. metre basis (adjusted to reflect Northamptonshire building costs), based on BCIS building costs for public libraries.

In order to adequately serve the growing community, improvements to the Library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. A schedule of works will be determined subject to available budget. These improvements are intended to support the provision of Library services to meet the needs of current and planned for population growth, to ensure adopted national and local standards of service can be maintained, and to contribute towards delivery of the county's prevention and other strategies.

In order to establish a proportionate cost towards the new works, the County utilises cost multipliers as per our adopted guidance.

Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs. Further information on these calculations can be found in the County Council's Planning Obligations Framework and Guidance Document 2015.

**A Libraries Contribution of £15,470 is therefore required**, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development. This figure will be reviewed, with a specific project identified, at such time as the s106 for the development is entered into.

**Fire Hydrants & Sprinklers** - New developments and associated infrastructure within Northamptonshire equates to an increase in visitors as well as traffic movements. This will inevitably lead to an increase in the spread of fire risk, which places additional demands on Fire and Rescue Service resources to ensure safe places are maintained, consistent with national Government expectations and guidance.

Northamptonshire Fire and Rescue Service sets out its criteria for responding to incidents within its Standards of Operational Response (SOR). The standards outline how the Service will respond to different incident types which fall within its statutory responsibilities under the Fire and Rescue Services Act 2004.

New developments generate a requirement for additional fire hydrants and sprinkler systems in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and Rescue Service in order to establish the precise requirement. It is expected however that this development may require a minimum of 2x fire hydrants to be provided and installed. The capital cost of each hydrant (including its installation) is £892 per hydrant, the cost of which is expected to be met by the developer in full (Totalling £1,784).

Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial building being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire. The final location of any fire hydrants and/or sprinkler systems for the new development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation, and secured through a planning condition. Below is a suggested standard condition for securing fire hydrants and sprinkler systems:

'No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.'

Informative: With reference to Condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure. For further information, please contact Linda Wilson: Water Officer for NFRS ([ljwilson@northantsfire.org.uk](mailto:ljwilson@northantsfire.org.uk)).

### **Broadband**

The vision for the county to be at the leading edge of the global digital economy. To meet this challenge we've set an ambitious target of 40% full fibre connectivity across the county by December 2023. To deliver on this, it is essential that new developments (both housing and commercial) are served by high quality full fibre networks. Access to the speeds, 1 gbps or faster, delivered by this technology will bring a multitude of opportunities, savings

and benefits. It also adds value to the development and is a major selling point for potential residents and occupiers.

**WNC Conservation Area Officer** - We would need to consider issues such as the topography of the site, which I think is described as relatively flat with a gradual fall towards the village, but is at a somewhat elevated height above the surrounding area (including the High Street and the new housing development on the other side of Brington Road), and the potential impact of new housing on views on the approach to the village from the north.

Whilst the site is currently pretty well enclosed by boundary hedgerows and trees, the introduction of 2 storey housing on this elevated land is likely to be visible above the existing landscaping. I haven't seen a topographical survey or information about the proposed site levels. There is an illustrative masterplan and a parameters plan but there are no sections through the site. The LVIA doesn't seem to make particular reference to ground levels (existing or proposed) or finished ridge height.

When we looked at this previously we felt that the northern field parcel in particular, which extends well beyond the end point of the housing development on the other side of Brington Road, should not be built upon.

**WNC Landscape Officer** - The obvious landscape concern is the extent of development to the north out of the village. I am sure during discussion the service line was the point to which I said the development should not be considered even if the rest is acceptable. By extending beyond the service exclusion zone the development juts into the countryside with no relation in terms of its northern edge to the development the other side of the road to the immediate west.

The development to the west left the large top corner of their development site open and undeveloped, given obvious issues with the service line but also potential visual impact from the north.

The top third of the proposed site just beyond the service line has a fence across and from the Google image and street view appears slightly rougher ground, and the position of the fence is directly adjacent to the Flore village sign further emphasising that the northern field is beyond that sign in the countryside.

The rising ground heading north of the village needs consideration as any development in the area beyond the service line marks the highest point of the site and is likely to be most visible potentially from further to the north beyond the motorway.

### **WNC Planning Policy- (Daventry Area) -**

#### Five year land supply

The applicants have sought to question both the requirement and supply components of the 5 year housing land supply which are addressed in turn below.

## Requirement

The applicants have questioned the requirement figure used in the 5 year land supply report, stating that our five year land supply should be based on the requirement for Daventry District and those parts of the Northampton Related Development Area (NRDA) in Daventry district.

The basis for the 5 year land supply requirement for Daventry District is well-established. Following adoption of the WNJCS in 2014 DDC has used the district-wide requirement set out in policy S3, It identifies a requirement for 6,980 dwellings in the period 2011 to 2029 for Daventry District outside the Northampton Related Development Area. The WNJCS is clear about this, paragraph 17.19 establishes that the basis for the 5 year land supply calculation is to be the housing trajectory set out in appendix 3 to the Core Strategy, and specifically the 'need' lines. This position has been endorsed in a number of appeal decisions across the District. There are no cases in the District where it has not been supported at appeal.

The Inspector in the Rothersthorpe decision took a different approach, in that he concluded, in South Northamptonshire that the delivery expectations should be used as the basis for the 5 year requirement including the NRDA. For the above reasons we consider that this was the incorrect approach. This is the only decision in SNC that has taken this approach, all others have supported the approach of using the district requirement outside of the NRDA.

However since that decision was issued both the Part 2 Local Plans for Daventry District and South Northamptonshire have been through respective Examinations. The Rothersthorpe decision was presented in both examinations (Ref APP07 in the Daventry Examination Library). This alternative approach for calculating the basis for 5 year land supply requirements was therefore before both Inspectors and the issue of under-delivery in the NRDA was a live issue at the examinations, at Daventry this was covered under Matter 3.

Importantly the requirement issue is directly addressed in the Part 2 Local Plan for Daventry District through the Housing Trajectory in appendix J, this sets out the annual requirement figures under WNJCS Trajectory for Daventry District (requirement) which equates to 6985 dwellings. The Inspector was presented, by an objector, with an alternative trajectory that included the NRDA but chose not to require inclusion of the NRDA as a modification. The trajectory, with modifications relating to supply but the requirement remaining as when the plan

was submitted, was found to be sound by the Inspector including that is consistent with national policy and the need to provide a 5 year supply of housing.

Regarding the SNC examination, para 33 of the inspector's report specifically acknowledges the Rothersthorpe decision but acknowledges that the Rothersthorpe Inspector has taken a considerably different approach to previous appeal decisions that identified it as a discrete plan area. Importantly the Inspector found the part 2 plan for South Northamptonshire sound and the adopted version (chapter 4- Delivery Housing) is clear that the requirement in that plan excludes that for the NRDA.

Both the part 2 plans for Daventry and South Northamptonshire are the most recently adopted plans and therefore in the case of this application in Daventry district, the Part 2 Local Plan attracts full-weight.

The applicants identify the fact that the Housing Delivery Test (HDT) operates on local authority boundaries, and uses this as further justification for their case, alleging that the Council is inconsistent in its approach. It is the case that the HDT operates on local authority boundaries, and this council has no alternative but to operate within the rules of that regime. It has lobbied MHCLG for this to be changed, but without success. Therefore, this is not a case of the local authority being inconsistent, it can only operate within the rules for HDT set by the government.

#### Supply

The applicants submissions argue that several sites identified in the Council's Five Year supply will not come forward at the rate envisaged by the Council. The applicant's reasons for this vary from site to site, but include suggestions that sites with outline permission will not come forward within the next five years. The Council's Housing Land Availability report is very thorough and sets out the reasons why assumptions about each site have been made. This includes liaison with developers and promoters of sites, where they are willing to engage with the Council, there is no obligation for them to do so.

The applicants have mis-represented the Council's position in some respects, examples include:

Micklewell Park, where the applicants allege an absence of agreement with the developer on buildout rates and an absence of progress on submitting reserved matters application, despite these being clearly referenced in the Council's report.

The applicants suggest that reference to capacity at Monksmoor local centre is a duplication of other capacity, whereas this is patently not the case, and is evidenced by reference to planning applications in the Council's report.

A response to all of the sites that the applicants suggest will not come forward as envisaged is set out in appendix A.

For the reasons set out within the HLA report it is considered that there is a 6.9 year land supply in Daventry District and therefore it is considered that paragraph 11 of the NPPF is not engaged in respect of housing land supply.

#### Summary of Policy Advice

The site is located outside the village confines and the proposal has not demonstrated compliance with policy RA2 for the prescribed circumstances where development can be considered acceptable outside the confines. Consequently it is not consistent with policy RA2 and RA6 of the Part 2 local plan. Furthermore owing to it being situated outside the confines (or village development area) it is also in conflict with policy R1 of the WNCJS and F2 of the Flore Neighbourhood Development plan. Furthermore there are concerns about how the site sits within the context of the village and its relationship to the High Street which raise concerns about the design of the development, in conflict with policy ENV10 (part 2 local plan) and policies F5 and F12 of the Flore Neighbourhood Plan. In addition, the proposed access arrangements raise concerns about the impact on the character of Brington Road, in conflict with policy ST1 of the part 2 local plan.

Consequently, owing to the clear conflict with the Development Plan, the Local Strategy Service does not support the application.

## **RESPONSE TO PUBLICITY**

Below is a summary of the third party and neighbour responses received at the time of writing this report on the original proposal for upto 70 dwellings:

There have been 43 objections raising the following comments:

- The most recent Joint Core Strategy (Adopted in 2014) clearly identified in Map 49 in the Settlement and Countryside – Local Plan Part 2, where future housing would be required and would be built in the future. As the area proposed to build 70 houses in Flore is clearly seen as being outside the village confines, it is ruled out from the start. At present, part of the proposed site is used to graze horses.
- The Applicants claim that neither DDC nor SNC can prove a 5 year Housing Supply, - Barwood Homes Ltd (P21 7.15) , claimed that the Land supply was only 1.9 – I take exception to this false allegation and to put the record straight, that from the 1st of April 2020 our land supply was 6.9.
- This proposal does not meet the principles of the Flore Neighbourhood Plan which is part of the Council's planning policy and which should form the basis for all planning proposals within the village.
- There is no proven need for this development. There is already considerable housing in development only a few miles away to the west of Northampton and permission has also been granted for a major development scheme east of Sandy Lane.
- Although the site is outside the boundary of the conservation area in borders it directly and the proposals are certainly not in the spirit of maintaining the character of the area. They would also have a detrimental effect on the listed building in the High St, which are directly opposite the proposed site.
- The submitted Planning Statement asserts that the council has not provided enough land for future housing and that this in itself justifies the use of this site for housing. No attempt to provide or demonstrate sequential testing has been provided and no discussion has been included on any reasoning why more suitable brownfield sites have been discounted.
- The LVA, Plan EDP 4 identifies a “notable copse” as providing “noteworthy screening” for the development. The Arboricultural Assessment, various layout drawings and Design and Access Statement visualisations show it being removed. This affects the assessments of viewpoints 2, 3, 4, 5 and 13. The magnitude of change is likely to have

been underestimated for all these due to this error. Consequently the conclusions of the LVA cannot be relied upon.

- The LVA assesses the conversion of greenfield to housing as a major/moderate effect on landscape character, it is major, irreversible and therefore significant adverse.
- The application is silent on how the proposed development will meet low carbon objectives, the DAS and PS should answer this.
- Environmentally I am extremely concerned about the loss of wildlife corridors and habitat that a further development will cause.
- The local Flore school is old, small and offers limited scope for an increase in capacity. Having reviewed the proposals, it is clear that 70% of the dwellings are designed for families (3 or 4 bedroom homes). This could lead to a large increase in school age children requiring places. Surrounding schools are already over-subscribed so this could lead to increased journeys that aren't captured in the travel plan and transport assessment documents.
- The Planning Statement contains inaccurate statements such as the fact that it states Flore has a garage, a pub and a restaurant. A well researched statement would have known that the garage closed many years ago and is, in fact, now demolished. The pub is also closed, albeit we hope temporarily, but even when it was open has not contained a restaurant for well over 2 years and in fact I believe it has no catering ability currently.
- With the proposal of having the entry to the site on the road, I have a number of concerns,
- Additional traffic on the road to the rear of our property causing increased noise and air pollution
- Volume of traffic has substantially increased during the time we have owned our home
- The entrance would increase the number of vehicles accelerating or sitting idle in the road/lane
- Increased risk of accidents
- Cars already travel at high speeds along the road
- The road is quite narrow with vehicles straddling the centre line
- This is also an existing issue for all farming vehicles using the road
- Vehicles joining so close to the main junction will increase risk of accident
- There is no sensible reason for the development to have access via the current farm gate. The reality is that the existing infrastructure is one broken concrete slab and some hardcore. If the gateway was not there, the access would not be proposed in that location.
- The final design has a main estate road which ends right next to the old A45. The sensible thing to do is to connect that estate road to the A45 and leave Brington Road alone. It is a small road, and is dangerous in the winter as it currently stands. With that single



amendment, I go from raising a very strong objection to supporting the plan.

- the Flore Neighbourhood Development Plan highlights a requirement of 97 properties in total being built within the validity of the current plan, 2015-2029.
- As you will be aware not only have the Brockhall Road houses been built, but also those by Bovis on Flore High Street. These two developments already add up to the 97 residences. If we then add the additional 10 houses agreed on the site of the old garage on the High Street, that brings the total to 107.
- My concern is related to the width of the Brington Road, As a regular walker/cycle rider on the Brington Road, one thing that is always clear, Lorries and Tractors always struggle to stay within their lanes, due to the overall width and the shrubbery and trees either side. This causes other vehicles and cyclists to have to get as far left as possible already. With the extra lorries whilst building and ongoing extra delivery vehicles I think this poses a safety risk to other users of the Brington Road.
- I do not think the village can support the extra demand on the infrastructure
- The application contravenes the local Neighbourhood Plan. The planned site is outside the village envelope and additionally consists of more than ten dwellings. Please note that this plan was approved in a public vote by Flore residents and endorsed by Daventry District Council.
- Access to Brington Road - The early planning applications for the Bovis development west of Brington Road were refused access to Brington Road. Therefore with the assumption of consistency by the Planning Authority, this application must also be refused.
- Ecological Concerns - Following the Bovis development the wildlife in our garden has dramatically decreased. No Muntjac deer, hedgehogs, badgers, woodpeckers etc. The numbers of birds and bees have collapsed. This is likely to be the scenario if more agricultural land is taken for development on the edge of Flore village. Surely there must be enough brownfield sites in Daventry District to allow seventy new dwellings.
- The road has no footpaths.
- The proposed development "feels" divorced from the existing village "core" and as has been mentioned is outside the Development Area Boundary.
- If this development of 70 is approved in less than a decade the village will have increased in size by 33%, which is unacceptable
- The existing arrangement for effluent is the Victorian brick-built sewer that runs under the High Street. The Illustrative Layout for the proposed site shows a service run around two-thirds of the way up the site, running North-East/South-West, parallel to the High Street. If the

proposal is for the sewers from the new estate to then run into the existing sewer, this could lead to a catastrophic failure. The old sewer was not built to service such a significant number of properties. What are the arrangements for the sewers and run-off past the service run?

- Within living memory this was the site of the original village tip, what proposals have been made for site de-contamination?
- 6 one bed roomed bungalows are really not suitable for the elderly. They would need to be two bed roomed so that family could visit and stay if needed or space for carers when required
- A further 70 new homes means 70-140 additional cars to exacerbate the current traffic issues.
- It would seem that the village school has limited land with which to expand and is almost at capacity when taking all year groups together. It would seem that occupants of the proposed houses would therefore need to travel to take their children to another school, causing further traffic problems.
- WE strongly object to further infilling of the green spaces around Flore.

**Below is a summary of the consultation responses received under the first amended Plans (Up to 60 dwellings):**

The responses from the consultees were very similar to the responses received under the original proposal for up to 70 dwellings therefore the individual responses have not been listed.

**Below is a summary of the consultation responses received under the second and final amended plans (Up to 45 dwellings):**

**Flore Parish Council** – This application deviates only in detail and numbers from the last submission by the developer and Flore Parish Council's objections remain equally strong and pertinent: it does not accord with planning policy in both the Flore Neighbourhood Plan (Made September 2016) and the adopted Daventry Settlements and Countryside Plan (Part 2) 2011-2029 (Adopted February 2020). There also remain further grounds for objection in addition to clear, and overarching, policy grounds.

1. The Flore Neighbourhood Development Plan. The Flore Plan, which was made in 2016, is an integral part of the planning process. The Plan through Policy F2 – scale and type of new development - established a Development Area boundary for the village which, through a revision made in the Settlements and Countryside Plan, now includes the two latest housing developments, both completed within the last four years. This application is located outside of the development area and is therefore contrary to policy F2. Furthermore, the application is contrary to Policy F4 – Affordable housing

and rural exception sites – as it comprises 70 dwellings with some affordable housing.

The recent history of development within the village is also a material consideration as a consequence of cumulative impact. The village has recently had two major residential developments. Application DA/2014/0454 on land off Brockhall Road and DA/2013/0703, which is the recently completed Bovis Homes development. These two developments added 97 new houses to the village, which increased its size by nearly 20%, which is a considerable addition to any community. It was as a consequence of these two applications and the potential continued outward extension of the village that the Flore Plan actively sought to encourage new development within the Flore Development Area boundary. It is possible that there will be such a development on the site of the demolished garage which will raise the increase in size to 22%. The addition of a further 70 dwellings would bring the increase in six years to 36%. This cumulative effect has been relevant in recent appeal cases.

Furthermore, a recent High Court ruling (in favour of East Cambridgeshire District Council) gives added weight to the importance of adherence to Neighbourhood Plan policies (see our previous letter of objection to the earlier application by this developer in 2020).

## 2. DDC Settlements and Countryside Local Plan (Part 2) 2011-2029 (Adopted February 2020)

This is a key planning policy document that reinforces the made Flore Plan and its planning policies. It has also recently been adopted which gives the Plan considerable weight.

### Vision and Objectives

As a starting point it is important to consider the Plan's vision and objectives which all of its policies underpin and support. A key aspect of the Plan's vision is for new development to be focused on the town of Daventry and that rural areas will support a network of vibrant communities. Villages will retain their local distinctiveness and character.

Objective 9 (housing) of the Plan states that housing will be focused at the most sustainable location of Daventry with limited development in the rural areas to provide for local needs and support local services. Both the vision and objectives are compelling. The most sustainable areas to build within the district are within the town of Daventry which has the capacity and infrastructure to accommodate significant areas of housing development. Any development in the rural areas is less sustainable and prejudices the vision and objectives of DDC/WNC to focus development in the town of Daventry.

### Housing in Rural Areas

The Flore Plan closely follows the development principles set out in the DDC Local Plan chapter 5. This chapter places strict limitations on further

development in rural areas on the basis that the overall spatial strategy for the district is to direct greater levels of growth to Daventry town. This end will be undermined for as long as developers can exploit greenfield sites on the perimeter of villages where construction is easier, sales easier to achieve and profits potentially higher.

Paragraph 5.1.03 makes the clear point that the requirement for the rural areas has been exceeded as at 1st April 2019 with 10 years of the Plan remaining. This is completely at odds with the developer's misleading assertion that the Flore Plan is out of date by implying that the Daventry area has less than 5 years of forward housing allocations.

### Secondary Service Villages

Flore is designated a secondary service village in the Settlements and Countryside Local Plan (policy RA2). In reference to such villages the Plan states that there is no justification for further allocations of housing, and development should be within the confines of the village as defined on the inset map in the Plan – this application clearly is located outside of the inset map boundary.

Moreover, since the adoption of the Local Plan the village has lost several of the facilities which justified the designation, including the garage (petrol station, workshop and shop), the hairdressers, the farm shop and the café, as well as one of its public houses not long prior. There is only one remaining small general convenience shop, one public house and a small specialist retailer serving a small percentage of the local population. The remaining facilities have not been changed for decades, despite the increase in population - the village hall is small and has no parking, the Scout hut is extremely small and unsuitable, the playing field pavilion is now inadequate. There is a need for additional sporting facilities, both indoor (which would require a new building) and outdoor, to meet the demands of the increased population. The school is small and has little or no room for further expansion, and the dentist and doctors in Weedon who serve the village are fully subscribed.

### Housing Needs Survey

Although this scheme's housing mix includes a stated allocation of affordable properties based on the result of the recent housing needs survey, it cannot allocate those properties on the basis of individuals or their ability to afford that property – the survey is a snapshot in time and its results should be regarded as useful for the direction of future policy rather than a literal instruction of what to build now. There have been many units included in the two recent major developments in the village, and others will be included in the proposal to develop the garage site (if this goes ahead), which meet the criteria of need for many of the respondents to the survey (with the exception of bungalows) but which have largely been purchased or rented by people from outside the village, in all probability given many are not actually that 'affordable' – and of course the introduction of many new households to the village will generate further demand, so the need is insatiable. Unless it is accepted that villages need to retain a separate identity, and have housing

development appropriate to local need, the potential for covering the whole of the countryside with houses is infinite. Flore is on a good bus route giving easy sustainable connection to both Daventry and Northampton so family links would not be too constrained if housing need was met in the urban areas.

#### Other grounds for objection

Despite the clear and overwhelming policy justification that means that this an application which should be refused, there are a number of detailed issues which we wish to bring to your attention:

**i) Highway Issues:** The proposed access to the development is off the Brington Road. This is a narrow country road with no footpath and relatively high vehicle use providing access to villages to the north from Junction 16 of the M1 and from the Weedon crossroads. It's straightness encourages high speeds (it is 60mph national speed limit virtually to the junction with the High Street) and it is inappropriate to introduce access to a substantial housing estate there. The location of the access into the site itself is severely constrained by both the width of the Brington Road and the close, and visually compromised, proximity of its junction with the High Street. This access would be used during construction works for the delivery of machinery and all materials in a situation which will be substandard and unsafe. The layout has shows a footpath from the site entrance alongside the road to the High Street but installation would require the removal of a considerable length of important trees and hedging that form a mature green corridor to accommodate a suitable width of path in the existing steep bank.

**ii) Site Location:** The proposed site is a field which, although close to the village boundary, is separated from any village property or street and will effectively be an isolated suburb whose major appeal will be its proximity to the M1 and external road travel links rather than the presence of a local shop - this cannot be commensurate with sustainable development intentions of National and Local Plan policies.

It will be difficult to achieve any community cohesion due to the site's remoteness from community facilities, while the site layout is a standard suburban type of arrangement which fails to reference its village context, as set out in the Flore Village Design Statement. The layout and design proposals submitted so far show little evidence of pursuing the national Government's desire to make beauty a fundamental part of the approval requirements.

**iii) Drainage:** There is an assumption that the surface water outfall will be to existing drains running down Bliss Lane and thereby to the river. These drains are not adopted and of unknown ownership – responsibility for them may fall to riparian owners who have not been consulted. The condition is unknown and this proposal is of serious concern to the village flood warden. We have well documented record of periods when the village hall has been flooded by run-off from the highway as the result of inadequacy of a similar

drain. It is not appropriate to consider this issue after the principle of a development has been approved, it needs to be addressed at this stage.

**iv) Archaeology:** Local knowledge of the site is that historically it used to be the village tip and possibly a burial ground for those in the community who could not be buried within the churchyard, hence its name of Bedlam Pit. This aspect too should be considered at pre-planning stage as its impact could be significant.

**v) Ecology:** The Parish Council fully support the views of Paul Minton, a resident, who has previously objected to the original proposal with a detailed analysis and followed up with further comment in response to the last submission. In addition, the extant proposal to cover a substantial acreage of significant landscape and amenity value countryside (over 80 hectares) in the parish and near to the village with solar panels will incur the loss of even more agricultural land which is likely to become increasingly in demand in the future when the country seeks to feed a growing population in a sustainable way. This solar farm is also very close to this site, and if both it and this proposal were to go ahead, they would seriously impinge on the close rural environment of the village and its setting.

**vi) Density:** this proposal is for 45 dwellings in the area south of the pipeline which is 10 more than the previous submission. This is a significant increase in density. However, the density indicated in the planning statement of c15.5 dph seems to be based on the total site area including the land to the north of the pipeline. This land north of the pipeline should therefore be designated as public open space or other communal facility. The Planning Statement should be amended to make this clear.

Furthermore, the impact of this increased density of the built area is not taken into account of, for instance, in environmental and landscape proposal revision. The supporting material for the application should be amended accordingly.

## **Conclusion**

This Application clearly fails to meet Policy and therefore should be refused. Additional development in a village that has seen considerable expansion in recent years prejudices the aims of DDC to focus development in Daventry. In addition, there are a number of detailed issues that the Parish Council and villagers who have written to you, wish to bring to your attention.

Some of these, such as highways and drainage, are fundamentally important to assess at this stage and not as reserved matters. If the Council were to approve this application the precedent would be catastrophic for the success of Daventry District Council's recently adopted Local Plan and the Flore Neighbourhood Plan. It would result in serious harm to the character and form of the village, which would have to be compensated for by significant

S106 or equivalent mitigation measures, in which case we would like to bring forward our aspirations for inclusion in any S106 agreement to mitigate, but not fully compensate for, the impacts of the proposal:

### **High Street Traffic Calming**

The Parish Council together with Officers of WNC have been developing measures to both reduce the speed of traffic through the village as well as deterring HGV traffic, which despite the opening of the bypass, remains a significant issue for residents, particularly those fronting the High Street. Given the boundary of the site directly onto the High Street this will be an issue of importance to future residents of this scheme. The legal agreement for the Bovis Homes development provided funds (circa £158,000) which are being used to support the first phase of the High Street calming. Future phases are required, and the Parish Council would expect a similar sum to be provided to enable these to be delivered.

### **Linear Village Green**

The application site is remote from the centre of the village. It would be appropriate to reduce this isolation through the development of the linear village green that could help to knit this site into the fabric of the village and mitigate to some degree, it's isolation. Funding could enable better pedestrian connectivity, landscaping and amenities.

### **Outdoor play and recreation**

Measures to improve the range and quality of outdoor sports and recreation both on and off-site should be promoted.

### **However, by no measure should these issues be used to form any justification for supporting this proposal**

**WNC Local Highways Authority** - In respect of the above amended planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -

The amended application reduces the number of proposed dwellings to 45 from the previous proposal of 60 dwellings. Therefore, it can be concluded that this amendment would not affect the findings of the Transport Assessment and would actually lead to a lessening of the impact in terms of trip generation.

In all other respects, the requirements of the LHA, in terms of access and off-site mitigation, remain as before.

The LHA previously raised some queries regarding trip rates in the applicant's Transport Assessment. The proposed reduction in the number of dwellings takes the development below the recommended threshold for both a Transport Assessment and Transport Statement as it is considered that the

impact on the local highway network below 50 dwelling units would be insignificant. The LHA therefore no longer requires this information.

#### Off-Site Highway Works

The applicant has submitted details of off-site highway improvement works. These primarily connect the site with the wider footway infrastructure in Flore as well as the existing public transport services. These are necessary in order for the LHA to support this application.

- Drawing No. 541.0004.001 – Brington Road Site Access Junction
- Drawing No. 541.0004.001 – Brington Road Site Access Junction (Tracking)
- Drawing No. 541.0004.003 – Brington Road Footway and Pedestrian Crossing
- Drawing No. 541.0004.004 – High Street Pedestrian Crossing

The principle of the improvements detailed in the above drawing are agreed. The applicant should be aware that all works to be undertaken within public highway land will require a Section 278 Agreement. This Agreement will require both technical and safety audit of the proposed works.

Please ensure the above drawings are conditioned should approval be granted, and all works to the access, Brington Road footway extension and crossings on High Street shall be in place prior to first occupation of the site.

#### Public Transport

Flore already benefits from a half-hourly direct service to both Northampton and Daventry and therefore a Bus Service Contribution would not be required.

There is a westbound stop on Flore High Street by King's Lane which would serve the site. It already has a Trueform-style pole but no shelter so the LHA would be seeking funding for a shelter in this location. There is no eastbound stop opposite King's Lane so the LHA would seek funding for both a Trueform-style pole and bus shelter. This would not be a timing stop so a layby would not be required.

2 wooden bus shelters with installation would cost in the region of £12k, and maintenance and replacement would be £56k. One eastbound bus stop pole would cost £2k. The LHA would not require these stops to have real time displays. Therefore, bus stop infrastructure would total £70k.

Additionally, the applicant would be required to provide a Midlands 4 week Megarider Gold for each dwelling, which would be £138, on request from the resident. This covers all Stagecoach services in Northamptonshire and Warwickshire

#### Public Right of Way EU7

Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath/ No. EU7 (as shown on the plan below) which crosses the proposed development site as follows:



With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements: -

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.
- There must be no interference or damage to the surface of the right of way as a result of the construction.

Conditions:

Prior to the commencement of works affecting any existing public right of way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.

Notes:

1. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams.
2. The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of DA/2020/0479. The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.

This response is without prejudice to any Public Right of Way which may exist across the site but whose presence is not recorded on the Council's Definitive Map and Statement (2016).

Note Section 257 of TCPA 1990 only applies to PROW as follows; FP's BW's and Restricted Byways. LPA's cannot divert or stop up BOATS; this can only be done at a magistrates court.

**WNC Archaeology** – I do not wish to alter my previous comments.

**WNC Ecology** - I'm writing in response to your consultation on amended details for the above application at Brington Road Flore. I was pleased to note that the new layout dwg 3436-SK06D will allow the proposal to deliver the net biodiversity gain required by local plan policy ENV5 and NPPF paragraph 174. I would be happy for the application to proceed to determination.

If the council is minded to approve I'd expect you'd be conditioning a CEMP. This would need to include a reptile method statement and other measures recommended in the ecology report. I don't think a specific 'CEMP for

biodiversity' is warranted in this case but the information needs to be available to all site workers and the method statement needs to be enforceable.

The ecologists have recommended bird bricks and bat bricks to mitigate lost nesting opportunities and provide enhanced roosting places. They've suggested they be included in a LEMP but I would prefer that they be set out in a separate drawing and conditioned separately.

Any close board fencing should include hedgehog-friendly gravel boards: these should be clear on the boundary specification at RM.

Finally, for the LEMP I'd recommend the standard condition from BS42020 which is nice and comprehensive:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to *the commencement or occupation ...*] of the development [*or specified phase of development*]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

**subject to conditions** – My comments are the same as the comments on the original proposal.

**Crime Prevention Officer** - Northants Police has nothing further to add to those comments already made in respect of this plot of land.

**Environment Agency** – No objections to the proposed development.

**Natural England** – No comments on this application.

**Lead Flood Authority** – Having reviewed the applicant`s submitted information located within: 1) Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates We would advise that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of surface water flooding.

**Condition:**

No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,

- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
- iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.

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

**Condition:**

No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

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

**Condition:**

No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates. These shall include:

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

**Reason:** To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

**Ramblers Society** – No further comments received.

**Northamptonshire County Council –  
EDUCATION:**

It is understood that the applicant has submitted amended plans in relation to the proposed development. This statement therefore provides an update to

our previous response (dated 19th August 2021) based on the revised information submitted and updated capacity assessments.

From the information received regarding this application, it is understood that the development would comprise construction of up to 45 no. dwellings and associated works, with the proposed amended mix of units as follows:

- 7 x 1 bed units
- 10 x 2 bed units
- 24 x 3 bed units
- 4 x 4+ bed units

These figures have been used to guide this response.

A S106 contribution towards Secondary Education of £145,864 will be required, based on the proposed amended dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

### **LIBRARIES:**

West Northamptonshire Council is the Library authority for the area in which the application site is situated. Where a new development will generate additional need and library space requirement, the Library service requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth. This may include contributions towards maintained library facilities and services, as well as community-managed libraries where applicable.

This development is expected to impact on the current level of library provision as the new residents moving into the developments utilise existing facilities.

The Library service has adopted the National Library Tariff formula produced by the Museums Libraries and Archives Council (MLA). This includes:

- A minimum standard of 30 sq. metres of new library space per 1,000 Population.
- A construction and initial equipment cost on a per sq. metre basis (adjusted to reflect Northamptonshire building costs), based on BCIS building costs for public libraries. In order to adequately serve the growing community, improvements to the Library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. A schedule of works will be determined subject to available budget. These improvements are intended to support the provision of Library services to meet the needs of current and planned for population growth, to ensure adopted national and local standards of service can be maintained, and to contribute towards delivery of the Council's prevention and other strategies.

In order to establish a proportionate cost towards the new works, the Library service utilises cost multipliers as per our adopted guidance. Local planning

and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs. Further information on these calculations can be found in the adopted Creating Sustainable Communities - Planning Obligations Framework and Guidance Document (2015).

A Libraries Contribution of £9,339 is therefore required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development. This figure will be reviewed, with a specific project identified, at such time as the s106 for the development is entered into.

**Fire Hydrants & Sprinklers** - New developments and associated infrastructure within Northamptonshire equates to an increase in visitors as well as traffic movements. This will inevitably lead to an increase in the spread of fire risk, which places additional demands on Fire and Rescue Service resources to ensure safe places are maintained, consistent with national Government expectations and guidance.

Northamptonshire Fire and Rescue Service sets out its criteria for responding to incidents within its Standards of Operational Response (SOR). The standards outline how the Service will respond to different incident types which fall within its statutory responsibilities under the Fire and Rescue Services Act 2004.

New developments generate a requirement for additional fire hydrants and sprinkler systems in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and Rescue Service in order to establish the precise requirement. It is expected however that this development may require a minimum of 2x fire hydrants to be provided and installed. The capital cost of each hydrant (including its installation) is £892 per hydrant, the cost of which is expected to be met by the developer in full (Totalling £1,784).

Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial building being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire. The final location of any fire hydrants and/or sprinkler systems for the new development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation, and secured through a planning condition. Below is a suggested standard condition for securing fire hydrants and sprinkler systems:

'No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated

infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.'

**Informative:** With reference to Condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure. For further information, please contact Linda Wilson: Water Officer for NFRS (ljwilson@northantsfire.org.uk).

**NHS Northamptonshire** - The CCG can confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed new housing development of 45 dwellings, Land to the East of Brington Road, Flore, Northamptonshire. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore, the CCG and NHSE & I are seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services.

Northamptonshire CCGs/NHSE&I are requesting a contribution from the developer towards the increased primary health care capacity directly attributable to the population of the proposed new development. Northamptonshire CCGs will be working with the Practice/s local to the development , to establish specifically where there is scope to expand/improve capacity to effectively care for the additional patients.

The cost per sqm has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for 109.35

Additional patients to be accommodated 109

Standard area of m<sup>2</sup>/person based on total list size of approx. 10000

Cost of build /alterations/extension £/m<sup>2</sup> £1902

Financial Contribution Requested Based on the number of dwellings proposed the figure requested is £22,878.21

**WNC Conservation Area Officer** - Further to my comments of 06 May 2022 I note that there has been another revision to the illustrative masterplan, which has been formally submitted to the council.

I have now had an opportunity to review the plan.

I am pleased to see that the first of my points below has been addressed. There have been one or two changes to house types, but I couldn't find any explanation of these in the supporting documentation so I can't tell whether these changes are seeking to address the second of my points.

The eastern boundary is now shown with a more continuous belt of green, and I think that plots 4 & 6 have been brought back from the red line a little, which is welcomed in principle. In the absence of more detailed survey and site layout work it is not possible to tell whether there is realistic scope for on-site enhancements to the boundary planting, so consideration should be given to whether this could be let to be dealt with as a reserved matter.

My comments regarding the boundaries with the Brington Road and High Street remain the same.

With regard to the heritage impacts of the proposal I would conclude that, if the existing boundary vegetation is retained and, where appropriate, enhanced, there is unlikely to be substantial harm to the setting of the Flore conservation area as a result of this development. I think the main weaknesses of this scheme are the planning and design issues associated with the location and topography of the site and its relationship to existing built form. These issues have not been overcome.

**WNC Landscape Officer** - I would agree with the Senior Conservation Area Officer, that it is certainly positive that the northern edge of development has now been relocated south in line with line of existing development west of Brington Road. It is also important that the northern boundary is positively landscaped as the line runs adjacent to the route of the existing service line and is not based or reliant on an existing hedge/boundary.

I appreciate it is an outline application but detailed landscaping needs to be conditioned not only for the new northern boundary hedgerow/tree planting but also additional planting where necessary to supplement the existing vegetation along the eastern, western and southern boundaries. This ties into the potential impact of the new footpath required along Brington Road connecting the site via the new access to the High Street. The problem as highlighted in Rachel's comments and discussed on site with the agent relates to the required excavation into the bank along Brington Road and the impact it may well have on the existing trees and shrubs currently providing screening along that western boundary. During the conversation on site this specific concern was raised with the agent and he confirmed that cross sections would be worked up from Brington Road up the bank and across the site, but I do not believe these were ultimately provided. Given the lack of accurate details in terms of extent of excavation for the path and the subsequent loss of existing bank vegetation it is difficult to appreciate the



extent of new planting that would be required to replace/supplement what remains to provide mitigation. An ability to appreciate the impact on the bank vegetation would have assisted but if it were to be conditioned the replanting of this bank would need careful consideration in terms of species mix, positioning and size of the proposed planting given the need to provide a decent screen immediately as well as maintenance/management of the planting in the form of aftercare. Also as the bank sits beyond the boundary to the adjacent proposed houses we would need to know who would be responsible and would it be tied into a management company given the need for the aftercare to the new planting on the bank.

Obviously in addition to a full detailed landscape scheme and aftercare that can be conditioned there is also a need for details of temporary protective fencing as well as its location to also be conditioned if the application is to be approved.

I also agree with the Senior Conservation Area officer in terms of careful location of the house types on the site in order to avoid the largest houses being located on the highest point on the site.

Ultimately the amendment to pull the extent of the development back to the line of the service route which ties in with the extent of the existing development immediately west of Brington Road has addressed my main landscape concern. On balance I do not now object to the proposal but the proposed planting as itemised above does need careful consideration especially the detailed planting on the bank impacted by the proposed roadside footpath.

**WNC Planning Policy- (Daventry Area)** - Policy H2 sets out the requirement for affordable housing and states that in the rural parts of the District all developments of 5 or more dwellings should provide 40% affordable housing. Therefore, in line with Policy H2 of the Joint Core Strategy, 40% or 18 affordable dwellings are being provided.

Policy Ho4 of Daventry's Housing SPD specifies a preferred housing tenure mix of two thirds rented and one third intermediate housing. On a site of 45 dwellings, 12 affordable or social rented dwellings and 6 shared ownership would be expected, which should reasonably reflect the needs identified in the 2021 Housing Needs Survey Report.

Daventry's Supplementary Planning Document identifies that the Council will seek groupings of between 5-12 units on schemes up to and including 200 dwellings. Two distinct clusters would therefore be expected and this has been addressed in the plans.

The provision of up to 40% affordable housing;

Affordable Mix-

- 7 one bed homes (38%)
- 5 two bed homes (27%)

– 6 three bed homes (33%)

The mix largely meets the affordable housing needs identified in the most recent Housing Needs Survey Report (2021).

Although the latest amendments to the application do not clearly define the size and type exactly, we find the submitted amendments acceptable providing that the detail proposed is as shown below.

#### Affordable Need v Mix

House type	Need identified	Proposed mix
1 bed flat/maisonette	4	4
2 bed house	2	2
3 bed house	5	6
1 bed bungalow	7	3
2 bed bungalow		3

Whilst the need from the 2021 Housing Needs Survey Report, for a three bedroom house is a lower figure than the proposed mix, consideration on an alternative property type can be given from a respondent that has requested a 3 bedroom flat, as they have requested a flat above ground floor with no statement or suggestion of need for the request.

#### **Anglian Water – No objection.**

#### **RESPONSE TO PUBLICITY**

Below is a summary of the third party and neighbour responses received at the time of writing this report on the final amended proposal for upto 45 dwellings:

Site Notice expired – 14/7/2022.

There have been 17 objections raising the following comments:

- It is firmly believed that the District does have more than a five years' housing land supply, and no doubt the District Council will prove that.
- The Design Statement infers the great importance to the setting of the site, which is contiguous to the Conservation Area immediately to the south anhighd which contains the highest concentration of Grade 2 Listed Building along the High Street, it then completely ignores this importance.
- No regard has been made to setting buildings back from the southern boundary so that they don't dominate from the substantially higher

level above the road and the houses in the Conservation Area. Instead, it is proposed that there be a concentration of higher density units behind the hedge and with parking areas in front of them and behind that hedge, causing noise and disturbance to the residents opposite. I have to say that it is very, very noticeable that all of the Affordable Units have been positioned on the southern and western boundaries.

- Whilst a local area of play could be deemed appropriate for children to use during the day, it has the potential to become an area of anti-social behaviour outside of these times.
- Another concern would be that the development land falls from North to South (as referenced in 00198804.pdf - 1.3.6). Therefore any two storey properties constructed at the Northern end could have both a visual and physical impact on us.
- With an already very limited infrastructure to maintain and provide a quality of healthy, active living for existing and future residents, the development is not sustainable.
- Young families with children will be detached from the village, necessitating vehicle mobility to educational, childcare and open space facilities.
- With an increase of 97 dwellings within the last 6yrs, (providing the allocated rural allocation of expansion to 2029) this is not an ideal addition to the current inadequate living amenities.
- There are serious concerns regarding proper sewerage construction and flow.
- Inadequate village facilities
- This amended application is for appx 60% of the dwellings applied for previously on half the original site, potentially leaving that space for a later application for more houses.
- It will increase traffic on to the High Street and A4500.
- Inclusion of 40% affordable dwellings does not alter the fact the application is in violation of planning policy
- The proposed access and footway arrangements on Brington Road are potentially unsafe
- The Flore Neighbourhood Plan was developed over a period of years to conserve the character of the village, to meet the needs of its residents and should be respected.
- The site entrance would also be positioned shortly after a speed reduction from 60mph to 30mph which is likely to increase the danger of accidents from passing traffic.
- The area is part of a popular walking path used by many people in the local community. This path will end up being along a large number of rear gardens and will be totally spoilt by any proposed development.
- No economic, social or environmental benefits.
- The village school has limited land with which to expand and is almost at capacity when taking all year groups together. The occupants of the proposed houses would therefore need to travel to take their children to another school, causing further traffic problems.

- This proposal contravenes the principles of the Flore Neighbourhood Plan which is part of the Council's planning policy and which should form the basis for all planning proposals within the village.

**Relevant Policies:**

Applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The development plan consists of the West Northamptonshire Joint Core Strategy (WNJCS) and the Settlements and Countryside Local Plan (Part 2). Other material considerations include the National Planning Policy Framework (NPPF).

West Northamptonshire Joint Core Strategy

Policy SA sets a presumption in favour of sustainable development.

Policy S1 seeks to ensure development is concentrated in and adjoining the principal urban area of Northampton. Then there is cascade of other towns and villages. Daventry, and then Towcester and Brackley.

Policy S2 clarifies the hierarchy of Centres.

Policy S3 provides clarity on the number of dwellings which should be constructed in the Daventry Area (Town, Rural Area and Northampton Related Development Area)

Policy S10 covers sustainable development principles.

Policy H1 seeks to ensure the housing density and mix and type are appropriate for the locality, including for the future.

Policy H2 sets out the requirement for affordable housing and states that in the rural parts of the District all developments of 5 or more dwellings should provide 40% affordable housing. Therefore, in line with Policy H2 of the Joint Core Strategy, 40% or 18 affordable dwellings are being provided

Policy H3 seeks to ensure developments for housing in the rural area, which are required to meet an identified housing need, and exception will be allowed. This is providing it adjoins the existing built form, it should be justified through a housing needs survey and arrangements of the management and occupation of the affordable dwellings for the future.

Policy Ho4 of Daventry's Housing SPD specifies a preferred housing tenure mix of two thirds rented and one third intermediate housing. In this case, for a development of this scale we would be expecting 18 affordable or social rented dwellings. Affordable Mix proposed is:

- 7 one bed homes
- 5 two bed homes
- 6 three bed homes

The mix largely meets the affordable housing needs identified in the most recent Housing Needs Survey Report (2021).

Policy BN2 seeks to ensure development maintains and enhances biodiversity.

Policy BN5 seeks to protect the Historic environment and landscape. Development should be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place.

Policy INF2 seeks to ensure developments mitigates the impact on infrastructure off site.

Policy R1 seeks to ensure development in the rural area is guided by the rural hierarchy. Daventry has reached its requirements for dwellings within the rural area, therefore there is additional criteria that housing developments need to comply with the following; it would result in environmental improvements on a site including for example the re-use of previously developed land and best practice in design (i); or is required to support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services) (ii); and has been informed by an effective community involvement exercise prior to the submission of a planning application (iii); or is a rural exceptions site that meets the criteria set out in policy H3 (iv); or has been agreed through an adopted neighbourhood plan (v).

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

Policy SP1 relates to the spatial strategy for Daventry District. Criterion G seeks to protect and enhance the built and natural environment.

Policy RA2 seeks to allow for development within its confines, however this policy allows for development outside the confines if it meets a local need. Development should be of small scale and protect the character and appearance of the village.

Policy RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. Development in the open countryside will only be supported if it is a rural exception site and meets policy H3 of the WNJCS and Policy HO7 where appropriate.

Policy HO7 seeks to ensure rural exception sites where they meet an identified need for two or more settlements that the dwellings are developed in the village that has the highest hierarchy.

Policy ENV1 seeks to protect the landscape. Proposals are supporting that maintain the distinctive character and quality of the Districts landscape (A).

Policy ENV5 seeks to conserve and enhance undesignated biodiversity sites.

Policy ENV7 seeks to ensure developments have a clear understanding on their impact to the designated heritage asset. Development should seek to protect and enhance designated heritage assets.

Policy ENV10 seeks to ensure design of developments promote local distinctiveness (i), incorporates crime prevention measures (iv), integrating existing landscape features (v), details of suitable comprehensive landscaping scheme (vi).

### Other Material Considerations

#### National Planning Policy Framework (2021)

Paragraph 77 seeks developments reflect the need for housing in the rural area; paragraph 91 seeks to promote active and healthy communities; paragraph 109 relates to highway safety – development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 170 seeks development should contribute to and enhance the natural and local environment and 175 seeks to preserve and enhance biodiversity.

#### Housing Land Supply:

In respect of applications relating to residential development, the NPPF in footnote 7 to paragraph 11, sets out that relevant policies for the supply of housing should be considered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at 1st April 2021 for the Daventry area there is a 6.3 year supply. However the applicant has previously sought to challenge the 2020 position, stating they believe that land supply is 1.9 years based on a number of assumptions. Whilst the applicant has not provided an equivalent assessment of the 1st April 2021 position the points previously raised are addressed below.

The applicants have questioned the requirement figure used in the 5 year land supply report, stating that our five year land supply should be based on the requirement for the former Daventry District and those parts of the Northampton Related Development Area (NRDA) in the former Daventry district.

The basis for the 5 year land supply requirement for the former Daventry District is well-established. Following adoption of the WNJCS in 2014 DDC (as it was) has used the district-wide requirement set out in policy S3, It identifies a requirement for 6,980 dwellings in the period 2011 to 2029 for the former Daventry District outside the Northampton Related Development Area. The WNJCS is clear about this, paragraph 17.19 establishes that the basis for the 5 year land supply calculation is to be the housing trajectory set out in appendix 3 to the Core Strategy, and specifically the 'need' lines. This position

has been endorsed in a number of appeal decisions across the former District. There are no cases in the former District where it has not been supported at appeal.

The applicants submissions argue that several sites identified in the Daventry area Five Year supply will not come forward at the rate envisaged by the Council. The applicant's reasons for this vary from site to site, but include suggestions that sites with outline permission will not come forward within the next five years. The Council's Housing Land Availability report is very thorough and sets out the reasons why assumptions about each site have been made. This includes liaison with developers and promoters of sites, where they are willing to engage with the Council, there is no obligation for them to do so.

For the reasons set out within the HLA report it is considered that there is a 6.3 year land supply in the former Daventry District and therefore it is considered that paragraph 11 of the NPPF is not engaged in respect of housing land supply.

### **Assessment of the Application:**

The main considerations of this application are the following:

- The principle of development
- Highway Safety
- Impact on the character and appearance of the locality
- Impact of neighbouring residential amenity
- Biodiversity

#### The Principle of development

The initial proposal was for outline planning permission for upto 70 dwellings and this was then reduced by way of amended plans to upto 60 dwellings. However, following the completion of a Local Housing Needs Survey (2021) undertaken by WNC (Daventry Area) the proposal was further reduced to upto 45 dwellings with 40% affordable dwellings that represent 18 dwellings in total.

Therefore, proposal under consideration is for the construction of 45 dwellings, which will provide 7 one bed homes, 5 two bed homes and 6 three bed homes for affordable rent, and 27 units for local market housing. The site lies outside the confines of the village of Flore and is in the open countryside.

Policy R1 of the WNJCS allows for residential development, however as the rural area for Daventry has reached its housing requirement, there is an additional set of criterial development needs to adhere to. The site is a parcel of agricultural land adjacent to the edge of the village of Flore therefore any development on this site will not lead to an environmental improvement to the character and appearance of the locality, nor has the argument been put

forward that the development is required for the retention of a local service. However, no evidence has been put forward to establish that there are any essential local services under threat that would need to be supported by the proposal. In this case with upto 45 dwellings there could be a case that the proposed development could be sufficient to support the retention of or improvement of such services, due to the large scale and nature of the proposal.

Therefore, the proposal does fail to meet Policy R1 (i&ii) and there is no need to consider iii, iv or v. If the proposal accorded with i or ii, the proposal does accord with iv, as it is for an rural exception site which accords with WNJCS policy H3.

Policy H3 relates to rural exception sites, which this development would have to be considered under. The site is located on the edge of the existing settlement of Flore, therefore the main issue is if the proposal responds to the Housing Needs Survey (HNS).

A HNS was undertaken in March 2021, therefore there is an up to date survey for the village. Planning Policy has commented on the scheme and considers that the proposal meets the requirements of the HNS. Therefore, the proposal is considered to accord with Policy H3 of the WNJCS.

Policy RA6 of the Settlements and Countryside Local Plan (Part 2) allows for exceptions sites if they accord with Policy H3 and HO7 when applicable. The proposal accords with H3, and there is not a need to consider Policy HO7 as this relates to a housing need of two or more villages. The proposal seeks to address the need for the village of Flore only and as such the application accords with Policy RA6 of the Settlements and Countryside Local Plan (Part 2).

Policy RA2 of the Settlement and Countryside Local Plan (Part 2), allows for development which meets a local need, and providing it is small scale, the proposal for 45 dwellings are considered to be fairly small scale, and respects the character and appearance of the village. The impact on the locality and the landscape are considered below. Overall, it is considered the proposal accords with Policy RA2.

Although there is conflict with Policy R1, consideration also has to be considered against other policies, such as the Settlements and Countryside Local Plan. The SCLP is the most up to date policy (adopted 2020), therefore policy RA2 and RA6 carry greater weight in the determination of the principle of development on the site. Overall, the principle of an rural exception site is acceptable, and the proposal for upto 45 dwellings should be supported subject to entering into a S106 to ensure the retention of the 18 affordable dwellings in accordance with the Supplementary Planning Document on Housing.

#### Parking and Highway Safety



The site is situated to the east side of Brington Road and will use the existing access into the site.

The WNC Highways Authority were consulted on the application and had previously raised some queries regarding trip rates in the applicant's Transport Assessment. However, with the proposed reduction in the number of dwellings to 45 dwellings, the LHA considered that the development is now below the recommended threshold for both a Transport Assessment and Transport Statement as it considered that the impact on the local highway network below 50 dwelling units would be insignificant and hence the LHA were satisfied from a highways safety point of view and therefore no longer requires this information.

There are off-site highway improvement works proposed that connect the site with the wider footway infrastructure in Flore as well as the existing public transport services. Subject to a Section 278 Agreement, the LHA have no objections to these off site highway improvements proposed.

Subject to a section 106 agreement requiring £70, 000 for the provision, installation and maintenance of 2 wooden bus shelters, and the provision a Midland 4 week Megarider Gold for each dwelling, the LHA have raised no objections to the proposal on highway safety grounds.

The proposal is therefore considered to be in accordance with policy ST1 of the SCLP and Paragraph 109 of the Framework.

#### Impact on the character and appearance of the locality

The site is located on the edge of the village confines of Flore and is on the corner of Brington Road and High Street and is in the open countryside, however, the area is not designated as Special Landscape Area, and there is a public footpath that runs along the southern and south west and south eastern boundaries of the site.

The site circa 300m by 96m and is rectangular in nature. The original proposal for upto 70 dwellings proposed to spread the dwellings out within the full length and width of the site. However, following the completion of the HNS survey and following comments from the Conservation Area Officer, the numbers of dwellings were reduced to 45 and these dwellings were now concentrated within two thirds of the plot with the rear of plot, circa 100m by 96m being left as green open space. To the south east of the site is an attenuation basin. The existing tree screening along High Street is to be retained. The nearest dwellings proposed to High Street will be set back from the nearest dwellings that exist on the newly built development to the other side of Brington Road. The dwellings proposed furthest away from High Street are also in line with the dwellings on the other side of Brington Road.

As the proposal is outline only an indicative layout plan has been submitted which show a significantly improved layout of the dwellings which have been reduced from the original 70 dwellings to 45 dwellings. The indicative layout

plan shows the majority of the dwellings to have a street frontage and are set back a reasonable distance from the main road, High Street, as well as Brington Road. The existing planting will be retained along the High Street and Brington Road with additional new planting proposed along the boundaries of the site. Parking areas are shown within close proximity to the prospective dwellings thereby enhancing the street scene and the outlook for future occupiers of the dwellings. The proposal will not impact on the existing public footpath that runs adjacent to the site.

The site is largely contained and bounded by hedgerow which is to be retained and there still remains open countryside beyond the site. It is considered that the proposal would not result in an unacceptable incursion of development in the open countryside.

With regard to the heritage impacts of the proposal, it is considered that, if the existing boundary vegetation is retained and, where appropriate, enhanced, there is unlikely to be substantial harm to the setting of the Flore Conservation area as a result of this development.

The proposed development will have an impact upon the character and appearance of the locality, as it will result in an extension to the main village and will result in the loss of open countryside. However, the proposal relates to the existing development on the opposite side of Brington Road and it will be seen as an extension of the streetscene rather than a stand-alone development.

Overall, it is considered that although there will be some limited harm to the character of the locality, as it will further urbanise the landscape, however with the landscaping proposed including the water pond to the south eastern boundary of the site the potential harm and loss of the open countryside is minimal and hence the visual impact of the scheme is considered to be acceptable in accordance with Policy ENV1 and ENV10 of the Settlements and Countryside Local Plan Part 2.

#### Impact on residential amenity

The indicative layout appears to respect the adjacent surrounding dwellings although it is difficult to assess at this stage and these issues will be dealt with at the reserve matters stage. With regards to any existing residential amenity, the nearest dwelling on High Street is No.119 which lies to the east of the proposed attenuation Basin. Therefore, due to the substantial separation distance from plots 36-37 being circa 53m it is not considered that the proposed will harm the residential amenity of this property. Similarly, the proposed dwellings along Brington Road will have a minimal impact of the dwellings on the other side of Brington Road as there will be circa 35m separation from the nearest elevations of the proposed dwellings to the existing dwellings

Overall, it is considered that there will be no harm caused from the development by way of overlooking or loss of privacy on any surrounding dwellings and as such the proposal is considered to accords with JCS policy S10 and ENV10 of the SCLP in terms of impact upon surrounding residential amenity.

#### Drainage

The Lead Flood Authority were consulted on the proposal and have not objected to the proposal subject to conditions being imposed to any planning approval requesting details of the surface water drainage system being submitted to the Local Planning Authority.

#### Biodiversity

The WNC Ecologist commented on the final proposal of 45 dwellings and stated that she was pleased to note that the new layout dwg 3436-SK06D will allow the proposal to deliver the net biodiversity gain required by local plan policy ENV5 and NPPF paragraph 174. Subject to conditions she would be happy for the application to proceed to determination.

#### Archaeology

WNC Archaeology Department were consulted on the application and have raised no objections subject to a condition relating to the submission of an archaeological programme of works being included in any approval of the application.

#### Environmental Health

WNC Environmental Health Officer commented on this application, however, raised no objections subject to the inclusion of conditions relating to noise and contamination amongst other informatives to be included should the application be approved.

#### Landscaping

The WNC Landscape Officer commented on the final proposal and stated that it is certainly positive that the northern edge of development has now been relocated south in line with line of existing development west of Brington Road. It is also important that the northern boundary is positively landscaped as the line runs adjacent to the route of the existing service line and is not based or reliant on an existing hedge/boundary.

Subject to detailed landscaping scheme being submitted at the reserved matters stage has not raised any objections to the scheme.

#### **Section 106/Community Infrastructure Levy:**

The applicant has indicated a willingness to enter into a Section 106 agreement in order to secure the planning obligations considered to be necessary to mitigate the potential impacts of the development. Other matters would be funded via CIL contributions at the reserved matters stage.

The draft heads of terms will need to address the following:

- Affordable housing provision – 18 no. affordable homes are required for the proposed 45 dwellings which will represent 40% of the total.

The 18 affordables shall be broken down as:

- 7 one bed homes
- 5 two bed homes
- 6 three bed homes

### **Primary Education, Libraries and Fire hydrants:**

The County Council Education Authority have advised that this development would give rise to the need of a contribution towards: -

- Education - £145,864.
- Libraries - £9,339.
- 2 Fire Hydrants - £1,784

### **WNC Highways:**

- Bus stop infrastructure and maintenance - £70,000
- And that the developer shall offer to all residents a Stagecoach Midland 4 week Megarider Gold Ticket, currently priced at £138, at the rate of one ticket per dwelling on request by the residents.

### **NHS Northamptonshire**

- Primary Health Care - £22,878.21

### **Parish Council and Neighbour Objections**

Whilst the Parish Council and a number of neighbours have objected to the proposal on grounds of impact on highway safety, biodiversity, archaeology, impact on area and residential amenity amongst other things, it is considered that the concerns raised have been adequately addressed within the main body of the Officer's report.

With regards to the request from the Parish of £158,000 S106 contribution for traffic calming measures, the WNC Highways Officer does not feel this is required for this proposal and as no justification has been submitted by the Parish Council, the Applicants' have indicated that they would not be willing to agree to this being included in the S106 agreement.

### **Conclusion:**

The proposal will result in an additional 45 residential properties, located on the edge of the village of Flore. The dwellings comprise of a mix of affordable rentals and market housing that are consistent with the demonstrated need for dwellings through the recent Housing Needs Survey carried out in March 2021.

Although there will be loss of open countryside as a result of the proposed development due to the inclusion of the storm water attenuation pond and the additional planting within the site it is considered that the harm of over-urbanisation of the open countryside is minimal.

It is considered that although there is some conflict with Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (WNJCS), the principle of these local needs dwellings in this countryside location is supported by Policy H3 of the WNJCS.

The proposal will not lead to any detrimental highways safety issues and it is considered that the indicative layout of the proposal will not have a detrimental impact on the character and appearance of the locality nor will it have an undue detrimental impact on any surrounding residential amenity in terms of loss of light or overlooking issues. The benefits from the proposed dwellings will outweigh any potential adverse impacts on the open countryside and the adjacent conservation area given the social, economic and environmental benefits to be had for the development of the site.

On balance, it is considered the proposal is in accordance with WNJCS Policies SA, S10, H2 and H3 and Policies SP1, RA2, RA6, HO8, ENV1, ENV10 and ST1 of the Settlements and Countryside Local Plan (Part 2) (2020) and having regard to chapters 5, 9, 11 and 12 of the Framework.

**Advice:**

That subject to the signing of a Section 106 agreement to secure the necessary affordable housing infrastructure, education, highways and fire hydrant contributions as set out above the application be approved subject to the following conditions:

**CONDITIONS**

- 1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of the particular unit (s) that is/are the subject of the reserved matters application.**
- 2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.**
- 3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
- 4. The development hereby permitted shall be carried out in accordance with the amended plans reference 3436-SK04G and 3436-01 received by the LPA on 17/6/2020, 541.0004.001 Rev B, 541.0004.002 Rev B, 541.0004.003 Rev A and 541.0004.004 received by the LPA on 17th June 2022 and the amended plan 3436-SK06D (indicative layout plan only) received by the LPA on 17/6/2022.**
- 5. No development shall take place in any Reserved Matters area until samples of the materials to be used in the construction of the external surfaces of the walls and roofing for that area hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

- 6. No more than 45 dwellings shall be erected on the site and 18 shall be affordable dwellings consisting of 7 one bed homes, 5 two bed homes and 6 three bed homes (tenure mix of 12 affordable/social rented dwellings and 6 shared ownership)**
- 7. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and 2 fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.**
- 8. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0830 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.**
- 9. The development hereby permitted shall not be commenced until details of an investigation and risk assessment scheme to assess the nature and extent of any contamination on the site have been submitted to and approved in writing by the Local Planning Authority (LPA), the approved scheme has been carried out by competent persons and a written report of the findings has been submitted for the approval of the LPA. The assessment shall include, unless the LPA dispenses with any such requirements in writing, a site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the proposed new house. The investigation must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11' and a written copy of the site investigation and findings shall be forwarded to the LPA. Two copies of the site investigation shall be forwarded to the LPA.**
- 10. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted for the approval of the LPA. No works, other than investigative works, shall be carried out on the site prior to the confirmation in writing of approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.**

- 11. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. No deviation shall be made from the approved scheme without the express written agreement of the LPA. The LPA must be given two weeks written notification of the date of commencement of the remediation scheme works.**
- 12. No development works other than that required to carry out the remediation shall be carried out until after the completion of the works required by the remediation scheme, the submission of a written closure report to the LPA and the LPA have confirmed the closure report is satisfactory. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation scheme, and confirmation of the effectiveness of the scheme in ensuring the site can be considered as suitable for the end use of residential with plant uptake. Post remediation sampling and monitoring results shall be included in the closure report.**
- 13. If during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA in accordance with the terms of Condition 8 above and implementation of any necessary remediation works has taken place and a closure report has been approved by the LPA in accordance with the terms of Condition 15 above.**
- 14. The development hereby permitted shall not be occupied until the applicant has provided a sustainability pack for the occupiers.**
- 15. Before construction of the dwellings commences, details of the finished floor levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land shall be submitted to and approved in writing by the local planning authority. The dwellings shall thereafter be constructed in accordance with the details so approved.**
- 16. Prior to the commencement of development above slab level, a scheme of boundary treatments for the site shall be agreed. The approved boundary treatments must be implemented prior to the occupation of each respective dwelling and shall be maintained in perpetuity.**
- 17. The principle of the highway improvements (all works to the access, Brington Road footway extension and crossings on High Street) as detailed in the approved plans 541.0004.001 Rev B, 541.0004.002 Rev B, 541.0004.003 Rev A and**

**541.0004.004 received by the LPA on 17th June 2022 shall be in place prior to the first occupation of the site.**

- 18. Prior to the commencement of any works taking place on the site the applicant is required to provide the arrangement of the agreed highway improvement works as detailed in condition 17 above and associated infrastructure; bus shelters, by way of a Section 278 Agreement that the applicant will be required to enter into with the LHA for the purpose of undertaking these works.**
- 19. Prior to the commencement of works affecting any existing public right of way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.**
- 20. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.**
  - a) Description and evaluation of features to be managed.**
  - b) Ecological trends and constraints on site that might influence management.**
  - c) Aims and objectives of management.**
  - d) Appropriate management options for achieving aims and objectives.**
  - e) Prescriptions for management actions.**
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).**
  - g) Details of the body or organization responsible for implementation of the plan.**
  - h) Ongoing monitoring and remedial measures.**

**The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.**

**The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.**

**The approved plan will be implemented in accordance with the approved details.**

- 21. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the**



**following components, completion of each of which will trigger the phased discharging of the condition:**

- i. fieldwork in accordance with the agreed written scheme of investigation;**
  - ii. post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);**
  - iii. completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.**
- 22. Each dwelling hereby approved shall provide integrated bat and/or bird bricks and any close boarded fencing to be erected as part of the boundary treatment proposed in condition 16 above shall incorporate hedgehog holes at suitable points and shall thereafter be retained.**
- 23. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.**
- 24. Prior to the occupation of the residential units a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.**
- 25. Prior to the commencement of development, provision of ducting to allow for installation of EV charging infrastructure will be required (one charge point per residential unit), in order to make resident parking places EV ready for future demand. The details and location of such provision should take into consideration the availability of electrical supply and should therefore be designed making reference to information held by the local distribution**

**network operator. Subsequently, these details and designs should be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be formed, and laid out in accordance with these details before usage of the parking spaces commences and shall remain in place thereafter.**

- 26. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,**
- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).**
  - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations**
  - iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.**
- 27. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.**

- 28. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment and Drainage Strategy ref 541.5004/FRA&DS/2 rev 2 dated 20th May 2020 prepared by Paul Basham Associates. These shall include: a) Any departure from the agreed design is keeping with the approved principles b) Any As-Built Drawings and accompanying photos c) Results of any performance testing undertaken as a part of the application process (if required / necessary) d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc. e) CCTV confirmation that the system is free from defects, damage and foreign objects.**
- 29. No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.**

## **REASONS**

- 1. To comply with Section 92 of the Town & Country Planning Act 1990) and the application is outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.**
- 2. This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.**
- 3. This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.**
- 4. To ensure that the development is carried out in accordance with agreed amendments.**
- 5. In the interests of visual amenity and to ensure that the materials are appropriate to the appearance of the locality.**
- 6. The application is for 45 dwellings and any more dwellings will have a detrimental impact on open countryside in which the site lies and on highway safety.**
- 7. In the interests of fire safety.**
- 8. To ensure the protection of the local amenity throughout construction works.**
- 9. To ensure that potential risks from the historic use of the site have been appropriately assessed.**
- 10. To ensure the proposed remediation plan is appropriate.**

- 11. To ensure site remediation is carried out to the agreed protocol.**
- 12. To provide verification that the required remediation has been carried out to the required standards.**
- 13. To ensure all contamination within the site is dealt with.**
- 14. In the interest of sustainability.**
- 15. For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.**
- 16. In the interests of residential amenity and crime prevention.**
- 17. In the interest of highway safety.**
- 18. In the interest of highway safety.**
- 19. In the interests of highway safety.**
- 20. In the interest of biodiversity of the area.**
- 21. To ensure that features of archaeological and historic interest are properly examined and recorded and the results made available, in accordance with NPPF paragraph 205.**
- 22. For the protection and enhancement of biodiversity opportunities in the area.**
- 23. To protect residential amenity, highway safety and visual amenity.**
- 24. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 25. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 26. To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.**
- 27. To ensure the future maintenance of drainage systems associated with the development.**
- 28. To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.**
- 29. To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.**

## **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.

2. **With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:**
  - **The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.**
  - **There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).**
  - **If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at:- [defmap.ncc@westnorthants.gov.uk](mailto:defmap.ncc@westnorthants.gov.uk)  
<https://www.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-of-way/Pages/temporary-traffic-regulation-orders.aspx>**
  - **Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided.**
3. **No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way or Definitive Map Teams.**
4. **The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of DA/2020/0479. The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.**
5. **As nesting birds are protected by law under The Wildlife and Countryside Act 1981, a check for nesting birds will be undertaken prior to building work commencing. If nesting birds are identified, works in the area of the nest will be delayed until the birds have left the nest.**

- 6. The applicant will be required to enter into a Section 278 agreement with the LHA in order to carry out the highway improvements as outlined in condition 17 above.**
- 7. The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:**
  - the parking and turning of vehicles of site operatives and visitors;**
  - loading and unloading of plant and materials;**
  - storage of plant and materials used in constructing the development;**
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
  - details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;**
  - wheel washing facilities;**
  - measures to control the emission of dust and dirt during construction;**
  - a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.**
  - design of construction access**
  - hours of construction work**
  - measures to control overspill of light from security lighting**
  - a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.**
- 8. With reference to Condition 29 above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure. For further information, please contact Linda Wilson: Water Officer for NFRS ([ljwilson@northantsfire.org.uk](mailto:ljwilson@northantsfire.org.uk))**



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<b><u>Application Number</u></b>	<b>WND/2021/0482</b>
<b>Location Description</b>	<b>LAND TO NORTH OF MANOR BUSINESS PARK, GRANTS HILL WAY, WOODFORD HALSE, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>OUTLINE PERMISSION (TO INCLUDE DETAILS OF ACCESS, LANDSCAPING, LAYOUT AND SCALE) TO EXTEND THE EXISTING INDUSTRIAL ESTATE COMPRISING THE CONSTRUCTION OF DETACHED BUILDINGS PROVIDING UNITS WITHIN USE CLASS B2 (GENERAL INDUSTRIAL) AND USE CLASS E(G)III (LIGHT INDUSTRIAL) WITH ASSOCIATED PARKING, ROADS, LANDSCAPING AND INFRASTRUCTURE. APPEARANCE OF THE BUILDINGS TO BE A RESERVED MATTER</b>
<b>Applicant</b>	<b>HEREFORD STORAGE LTD</b>
<b>Agent</b>	<b>THOMAS BLENCOWE, BLENCOWE ASSOCIATES</b>
<b>Case Officer</b>	<b>MR E MCDOWELL</b>
<b>Ward</b>	<b>WOODFORD &amp; WEEDON WARD</b>
<b>Reason for Referral</b>	<b>CALLED IN BY COUNCILLOR FROST</b>
<b>Committee Date</b>	<b>5 OCTOBER 2022</b>

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

**RECOMMENDATION: GRANT** PERMISSION SUBJECT TO SECURING LEGAL AGREEMENT and CONDITIONS

### **Proposal**

Outline permission (to include details of access, landscaping, layout and scale) to extend the existing industrial estate comprising the construction of detached buildings providing units within Use Class B2 (general industrial) and Use Class E(g)iii (light industrial) with associated parking, roads, landscaping and infrastructure. Appearance of the buildings to be a reserved matter

### **Consultations**

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

Byfield Parish Council

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

WNC Local Highway Authority (LHA)

WNC (Ecology)

WNC EHO

WNC Landscape

WNC Planning Policy

3 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
- Highway Safety
- Design/appearance
- Impact on the amenity of residential properties
- Biodiversity

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 application site comprises a rectangular shaped area of land immediately to the north of the Manor Business Park on the northern edge of Woodford Halse. The site is relatively flat being bounded by industrial buildings to the south and open fields to the north and west. To the east is an open field extending out from Woodford Sports Club and allocated as Local Green Space in the Neighbourhood Development Plan. Access to the site is from Grants Hill Way , a private unadopted industrial estate road that provides access on to Byfield Road .

Beyond the application site in a south-westerly direction is a recently complete residential development of some 200+ dwellings with a smaller residential development of some 40+ dwellings immediately off the east side Grants Hill Way.

## **CONSTRAINTS**

The site lies immediately outside but abuts the settlement limits for Woodford Halse as shown on the Inset Map on the Policies and Inset Maps of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029.

The Industrial estate immediately to the south is identified as a Strategic Employment Area under Policy EC4h.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The application seeks outline permission for the extension of the existing industrial estate. The application seeks permission for access, landscaping layout and scale at this stage. Appearance would remain as a reserved matters for determination under a separate proposal.

In total there would be 5 buildings (Units 11-16) each capable of being subdivided into smaller units (up to 21) . The development would be served off existing estate roads from the south to with associated parking and landscaping to serve the development.

The buildings would be modern two storey units with shallow pitch and clad in modern cladding material comprising grey contrasting panels.

## **RELEVANT PLANNING HISTORY**

DA/90/0536 O/L for light industrial units with access road, trees fences and green areas Approved

DA/91/1022 Access road to and across future light industrial estate Approved

DA/93/0683 Renewal of DA/90/0536 Approved DA/96/0221

Renewal of DA/93/0683 Approved

DA/99/0332 Renewal of DA/96/221 Approved  
DA/2001/0826 Variation of conditions 6 and 9 of DA/99/0332 relating to height of buildings and percentage of hard surface per plot Approved  
DA/2003/0842 Development within classes B1 and B2 Withdrawn  
DA/2004/0439 O/L for industrial development within B1 and B2 Approved  
DA/2007/0085 Reserved matters for phase 1 development within use class B1 and B2 Approved  
DA/2007/0861 Reserved matters application for Phase 2 industrial development within Classes B1 and B2 Approved

## **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) for Daventry District 2011-2029 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 (Provisions of jobs),  
S8 (distribution of jobs),  
S10 (Sustainable Development Principles),  
E1 (existing employment areas),  
C1 (Changing Behaviour and Achieving Modal Shift)  
C2 (New Developments) C3 (Strategic Connections),  
BN1 (Green Infrastructure Connections),  
BN2 (Biodiversity),  
BN7 (Flood Risk)  
BN9 (Planning for Pollution Control),  
BN10 (Ground Instability)

## **Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (LPP2)**

The relevant policies of the LPP2 are:

SP1 Daventry District Spatial Strategy

EC4 (A) Strategic Employment Areas

ENV1 Landscape

ENV3 Green Wedge

ENV5 Biodiversity

ENV9 Renewable Energy and Low Carbon Development

ENV10 Design

## **Woodford cum Membris Neighbourhood Development Plan (May 2018)**

(Policy WH1) Biodiversity policy

(Policy WH5) Landscape Character and Prominent Views

(Policy WH6) Village Confines

(Policy WH 8) Promoting Good Design

(WH12) Infrastructure

(Policy WH15) Supporting Local Transport

(Policy WH17) Protected Employment Area

(Policy WH18) Supporting new business development in the villages and 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
Woodford Halse PC	Object	My Council objects to this application and has asked Ward Cllr. Frost to "call it in" for Planning Committee consideration.

Whilst the expansion of the Business Park would provide opportunities for local businesses and employment, the cost would be the impact on local roads and infrastructure. The NPPF planning policies specify that development has to be sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or public transport).

Currently, from the impact on Byfield Road and Preston Capes Road, it is clear that the large lorries which are already servicing the Business Area are adversely affecting the infrastructure, considerably damaging the road surfaces and causing disruption to residents both in Byfield Road but also the new residential developments of Woodford Meadows and Hinton Gardens. This, outline, application does not specify the types of business use, but will generate 120 new vehicle movements judging from the new parking spaces for cars and then presumably there would be significant lorry/ delivery vehicle traffic. In addition, danger to pedestrians using Byfield Road pavements will be further heightened.

The majority of traffic would access this area via the twin roundabouts at A361 Byfield. These have already been identified as being near capacity in relation to proposed housing and medical centre plans in Byfield. This therefore is a primary reason for not expanding this business area.

Whilst the West Northamptonshire Joint Core Strategy Local Plan creates a presumption in favour of sustainable

		<p>development, section E1 states the scale should be commensurate with their function but in accordance with the Local Plan. The Local Plan does identify the industrial estate as such but this location is outside of the village boundary, would remove agricultural land and adversely affect the enjoyment of the Bridleway [FN4] running North of Woodford Halse.</p> <p>Also, Council has received reports from residents of industrial noise and smells from the current activities which they fear would be worsened by further development.</p>
Byfield PC	Object	<p>As a neighbouring Parish, Byfield Parish Council (BPC) considered this application at its meeting on the 6th October 2021 and resolved to object to the application and request via our District Councillor that it be called in for consideration by the Planning Committee.</p> <p>BPCs main concern with this application is the highways impact and in particular the accumulative effect on the A361 through Byfield, the Fiveways junction and the Woodford Road which eventually becomes the Byfield Road as it enters Woodford Halse.</p> <p>The Transport Statement (TS) says <i>The access to Byfield Road from the existing Business Park has been built to commercial standards and would not require revision</i> and whilst this may be true for the immediate area it ignores even the slightly broader access issues.</p> <p>BPC argues that there are two important factors for the Planning Authority and Highways to consider.</p>

1. The need to understand that the only reasonable road access to Woodford Halse is via the A361/Fiveways /Byfield Road. All other entry point to WH are very minor rural roads barely suitable for existing domestic traffic and certainly not suitable for commercial or industrial vehicles.
2. Planning Application Number DA/2017/0826 for up to 100 houses and a Medical Centre in Byfield all accessed from the Woodford Road remains unsettled over 4 years later precisely because of Highways issues.

In terms of point 1 the only sensible resolution would seem to be a new access road to WH from the A361 but this is a distant ambition and not a factor in this application. However, the only reasonable road access to Woodford Halse is via the A361/Fiveways /Byfield Road

In terms of point 2 however the outstanding issues are significant factors that should be carefully considered. The TS says *the signalisation of the junction in Byfield as part of the medical centre and housing development proposed would improve the capacity of the junction if it goes ahead.* But there is no guarantee that the housing and medical centre will be built or if they are that the signalisation will be installed prior to any construction in either Byfield or Woodford Halse. The TS makes an unsupported assumption and offers no alternative solution if 2017/0826 is refused. We ask that the Planning Authorities fully consider the impact of each application upon the other.



In addition we would point out the following:

- a) There is no indication of the type of vehicles that the businesses would generate, the size and frequency of journeys
- b) The existing site is not yet fully occupied and will produce its own extra traffic and demands on the road system
- c) The Transport assessment does not consider the various RTAs that have occurred on the Byfield Road just outside Woodford Halse in the area known locally as 'The Dip'
- d) The lack of appropriate planning conditions has resulted in business operations in WH which have drawn the largest possible HGVs on UK roads to use Fiveways/Byfield Road to access a food reprocessing plant in WH.
- e) The proposed extension is outside both the local Strategic Employment site and the defined village confines.
- f) The planning permission granted in 2004 has still not been fully implemented with two large units still to be constructed – does the area justify further business premises? BPC would argue that there is already sufficient capacity to support the local economy.
- g) It is claimed that the application *'does not harm the amenity of surrounding residential properties'*. Which ignores the fact that anyone living on the Woodford Road / Byfield Road currently endures large volumes of heavy traffic and any extension to the Industrial Estate will only exacerbate this problem.

The application states that *'there are likely to 120 – 130 jobs created on the site which is proportionate to the size of the village and can help to reduce the need for commuting.'* This makes unsubstantiated assumptions about the demographics and skill base within Woodford Halse; it implies that any new occupiers would 'start from scratch' and not transfer existing staff and it cannot be proven that any significant amount of the extra jobs will be taken by WH parishioners

The TA states that *'the proposed development is predicted to generate a total of 42 two-way vehicle trips in the AM peak hour and 31 two-way vehicle trips in the PM peak hour period.'* Which is at odds both with the number of car parking spaces proposed and the number of new jobs that are claimed to be created. It assumes no one will make more than one journey in and out each day and ignores deliveries, collections and other service vehicles

**In summary**

- We ask that the Planning Authorities consider the impact of each application (DA/2017/0826 and WND/2021/0482) upon the other **and** their cumulative effect on the traffic using Fiveways and the road between Byfield and Woodford Halse.
- If approval is granted the developer should have a planning condition imposed to address issues at Fiveways if 2017/0826 is refused.
- If approval is granted the developer should have a planning condition imposed to address ensure road safety work

		<p>is undertaken on the Byfield Road around 'The Dip'.</p> <ul style="list-style-type: none"> <li>• If approval is granted the developer should have a planning condition imposed that would control the size of vehicles accessing the site and the frequency of journeys.</li> </ul>
Environment Agency	No objection	Subject to condition to deal with any unidentified contamination
WNC Ecology	No objection	Subject to condition to secure implementation and management of landscape scheme to deliver net biodiversity gain.
WNC Local Lead Flood Authority	No formal comments	LLFA have indicated the need for on site SUDs which can be secured by condition.
WNC Archaeology	No comments	
WNC EHO	No objection	<p>Noise</p> <p>There are no hours of use included within the application documents. Residential properties are within close proximity.</p> <p>The specific future uses are as yet unknown. The issue of noise nuisance can be dealt with in two ways.</p> <p>Firstly the hours of use of the site can be restricted, and secondly any future use can be subject to a condition requiring an acoustic assessment.</p> <p>In the absence of any detailed information, the following condition is recommended:</p> <p>Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does</p>

not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

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

Contaminated Land

The site was formerly used as a marshalling yard and engine shed for the Great Central Railway which closed in 1966. It may be that the applicant is aware of remediation that has taken place, but in the absence of any documentation, and the presence of made ground, the following condition is recommended:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater's and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

**REASON:** Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Light

The following condition is recommended:

There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any floodlighting shall be operated in accordance with the approved details at all times.

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

Construction Phase

The following condition is recommended:

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

**REASON:** 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.

**Informative:**

The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:



		<ul style="list-style-type: none"> <li>• the parking and turning of vehicles of site operatives and visitors;</li> <li>• loading and unloading of plant and materials;</li> <li>• storage of plant and materials used in constructing the development;</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>• details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;</li> <li>• wheel washing facilities;</li> <li>• measures to control the emission of dust and dirt during construction;</li> <li>• a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.</li> <li>• design of construction access</li> <li>• hours of construction work</li> <li>• measures to control overspill of light from security lighting</li> </ul> <p><b>Informative:</b> Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p>
WNC LHA	No Objection	In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and

recommendations: - Given the concerns raised by the LHA in respect of the impact of this development on the Dolls Hill Roundabout junction (A361, Byfield) in our previous response, the applicant undertook further analysis of this junction at the request of the LHA. The LHA had identified disparities between the traffic flows within the model that supports this application with the one submitted (and approved by the LHA) for the Byfield Surgery/ Housing application (DA/2017/0826). This analysis was reviewed by WSP on behalf of WNC who are also undertaking reviews of other Transport Assessments for applications currently not yet determined for developments in Byfield and Woodford Halse. This ensures a consistent approach is used when reviewing these impacts. Whilst the cumulative impact of a number of developments on a junction should be taken into account, this can only be applied when the developments are committed or there is reasonable certainty, they will be built within 3 years. In respect of the Byfield Surgery/ Housing development (DA/2017/0826), given the convoluted history to this application, Planning Officer recommendations for refusal and Committee deferrals, this certainty is not in place. This current application must, therefore, be considered on its own merits and traffic impact. It is anticipated that more than one of the approaches to Dolls Hill Roundabout will be over capacity with or without development in future year scenarios. As with any junction capacity impact, mitigation must be reasonable and reflect the

level of impact. The development is expected to generate up to 33 two-way vehicle movements through the Dolls Hill Roundabout in the peak AM hour; approximately one vehicle every 2 minutes. Given the amount of work so far undertaken in relation to application DA/2017/0826, it is known that capacity improvements of any scale are difficult to achieve given the complex nature of the junction and available highway land. The LHA has previously made clear that we can no longer secure contributions to larger schemes where the remainder of the funding has not been secured. Recommendation is given that mitigation measures to reduce demand for car travel to support the aims of the Workplace Travel Plan be secured. Bus stops are located within an acceptable walking distance of the site and Woodford Halse is served by a regular service Monday to Saturday. Should this development proposal eventually receive a planning consent, in order to promote the use of public transport to the site, as indicated above, the LHA would require the applicant to fund 1 month bus passes to staff on request. It is suggested that this could be secured via a Section 106 Agreement and be capped (subject to discussion). The Midlands Gold 28 day MegaRider is currently priced at £138.30 and can be used on the Stagecoach 200 service between Oxford and Daventry.

It is widely known that Service 200 is under threat of withdrawal by Stagecoach due to low passenger numbers. West Northamptonshire Council and Oxfordshire County Council have made arrangements to

		subsidise the service this summer and this arrangement has now secured an extension to January 2023 as a minimum. In lieu of physical junction capacity measures, the LHA believe that it is reasonable to secure a financial contribution to the bus service to help secure its future and ensure the development site continues to be served by a public transport service. The contribution would be secured via a Section 106 Agreement and the level of contribution subject to discussions with the applicant and Stagecoach.
CPDO (Crime Prevention Design Officer)		<p>Northants Police has no objection to what is proposed but would recommend that the finished units are fitted with security rated doors compliant with a recognised security standard such as LPCB LPS 1175 SR2. Each unit should be fitted with the necessary trunking and cabling to enable the fitting of fit for purpose intruder alarms capable of eliciting a response from a third party if triggered.</p> <p>The site is protected by weldmesh fencing and access controlled gates. The fencing should be continued around this parcel of land</p>
WNC Landscape	No Objection	Subject to conditions to secure implementation and management of the landscape area.
WNC Planning Policy	No objection	

## RESPONSE TO PUBLICITY

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

There have 3 letters of objection from local residents raising following concerns:

- further development here will increase LGV, HGV traffic on local roads with resulting impact on safety pedestrians
- increased pressure on the five ways roundabout at Byfield
- suggest reusing the old GCR rail line up to Charwelton so as to relieve pressure on Byfield road
- existing road infrastructure is not sufficient to support increased HGV traffic as it is poorly maintained
- Grantshill Way and Byfield Road already have problems with speeding motorists and this will only add to those concerns
- The expansion will harm the amenity of the village and nearby residential properties as a result of increased noise and pollution
- How will commercial waste be dealt with
- No reference to operating hours
- It has not been demonstrated that the development is necessary to support the existing SEA
- No evidence to demonstrate there is insufficient capacity within the SEA as some units remain unlet and some business have found alternatives to expansion outside of this site suggesting alternatives do exist
- The proposal will create a strain on existing services . No consideration given to impact on local amenities
- No consideration about impact on the local bus service

## APPRAISAL

### Principle of Development

The application seeks to establish the principle of extending the existing industrial estate into the area immediately to the north. It also proposes to establish details of access, landscaping and scale at this stage with only appearance of individual buildings to be reserved for subsequent consideration.

The application site is approximately 75m deep 240 m wide (1.77ha) and comprises a relatively flat area of land on the northern edge of the existing industrial estate. The industrial estate is allocated as a Strategic Employment Area under Policy EC4(h).

Under Policy EC4 (D) of the part 2 Local Plan further development beyond the Strategic Employment Area is supported where:

- i. It is well related to the existing SEA; and
- ii. It is of an appropriate scale and character; and
- iii. It does not harm the amenity of surrounding residential properties; and
- iv. It is demonstrated that is necessary to support the role and function of the SEA; and
- v. It is demonstrated insufficient capacity exists within the SEA where the development is intended to support or enhance that location, to accommodate the proposed development.

Policy EC4 (E) goes on to require new development to be suitably provided for with appropriate landscaping (soft and hard), permeable surfaces and appropriately designed siting and lighting.

The application site sits outside the existing SEA at Woodford Halse such that any subsequent development must be assessed against the Provisions of EC4(D) referred to above. A number of exchanges with the applicants has resulted in the production of a consolidated note on the evidence they have submitted.

#### **It is well related to the existing SEA**

Officers consider that the application site is well related to the current SEA being physically next to the SEA and being served off the road network serving the SEA as indicate on the submitted layout drawings. As Such Policy EC4 (D) (i) is satisfied.

#### **It is of an appropriate scale and character**

Likewise officers judge the submitted layout of the estate extension to be appropriate in scale and character to the existing estate comprising a similar layout of buildings providing a range of smaller units contained within 5 buildings. All of these will accessed off Grants Hill Way via the existing estate layout. The illustrative drawings showing the external appearance of the buildings indicates a similar design and height to existing units. The whole extension will be enclosed by a proposed landscape strip to contain and mitigate the visual impact of the development. Accordingly officers consider the proposal complies with the provisions of EC4(D) (ii).

#### **It does not harm the amenity of surrounding residential properties**

There are two residential estates close to the Grants Hill industrial estate. The first is recently completed development (Lagan Homes) occupying a triangular area of land between Grants Hill Way and the existing industrial

estate. The other larger estate (232 units) was constructed by Taylor Wimpey lies to the west of Grants Hill way. The nearest properties to the application site on this estate is some 130m from the south west corner of the application site and separated from it by a field and Bridleway with intervening associated field hedges .

Although the Grants Hill Estate (Lagan Homes) faces on to main estate road serving the existing industrial estate it **is** some 190m from the south west corner of the application site from the nearest dwelling on this estate.

There is also a stable complex on Grants Hill Way immediately to the north of the TW estate and which comprises a range of stable buildings and converted barn used as a dwelling. This complex is some 90m from the south west corner of the application site. Apart from on side window to a single storey range on the east side of this complex there are no other windows looking across to the application site . Windows on the north side of the converted building do not directly afford views to the site or would be at obscure angles.

At these distances I am satisfied that proposed buildings on site will not directly impact upon the amenity of nearby residential properties either by overlooking or causing loss of light or affecting .

I am aware of concerns raised from occupants of local residential properties about the impact of noise and lighting as a direct result of this proposal. To that end I have sought the advice of the Council's EHO as set out above. The EHO has raised no objections to the principle of development subject to the imposition of a condition to secure a noise impact assessment to assess impact on the nearest noise sensitive properties.

It is also worthy of note that although the proposed development includes B2 (general industrial) it also includes light industrial uses (Use Class E g(iii) which by definition is a use that can be carried out within a residential area without detriment to the amenity of the area.

Subject to the imposition of conditions sought by EHO and a further restriction the uses of those units on the set end of the site (Units 15 and 16) to Use Class Eg(iii) only it is considered that the impact of the development upon the amenity of surrounding residential properties could be adequately mitigated in compliance with EC4(D) (iii).

**It is demonstrated that is necessary to support the role and function of the SEA and is demonstrated insufficient capacity exists within the SEA where the development is intended to support or enhance that location, to accommodate the proposed development.**

Within the agents consolidated note they make reference to the various exchanges in response to Planning Policy requests to provide evidence to demonstrate compliance with criteria (iv) & (v) of EC4D. The agents advise that as a results taken by the applicant to progress work on Unit 10 on the existing business park in effect it is now full and the demand for small units can only be accommodated now within the application site. In the view of the applicant's agents the proposal fully accords with the provisions of Policy EC4 D.

In conclusion officers consider that the principle of development can be supported on the grounds that the applicants have demonstrated compliance with the provisions of Policy EC4D.

### **Other matters**

#### **Access, parking and highways.**

The extension to the site will be served off Grants Hill Way which affords access onto Byfield Road. In terms of the proposed layout parking provisions and access arrangements on to Byfield Road no objections have been raised by the WNC Local Highway Authority (LHA).

The main issues raised by both Woodford PC and Byfield PC is the impact of additional HGV traffic and other traffic generated by the business park upon the existing road infrastructure in particular along Byfield Road towards and including the Doll's Hill round-a-about at Byfield.

This issue has been the source of communication between the LHA and the applicant's traffic consultants which has resulted in the LHA not objecting to the application subject to securing an obligation to support the existing local bus service. The full details of the LHA position is set out above.

The concerns of the Parish Councils are understandable and have been raised in respect of at least one other application in Byfield. That said it is a case of dealing with each application on its individual merits. In this case the LHA is satisfied that the impact of this particular development upon the local highway network is acceptable but recognising the need to support the local bus service and offer employees the choice for getting to and from the development.

#### **Lighting, noise, contamination and air quality**



These issues have been addressed by the EHO comments above lighting noise and contamination and subject to the conditions set out above can be mitigated.

### **Surface water drainage and flood risk.**

The Lead Local Flood Authority has been consulted which has indicated that the proposed methods of dealing with surface water drainage are not acceptable in their current form but can be addressed by way of condition to ensure that surface water drainage serving the site is designed and built in such a way as to control the level of discharge from the site in a manner which does not cause any off site flooding.

### **Biodiversity**

The application site is not particularly rich in biodiversity opportunities being a relatively open sparse area of land. The application however does propose a landscape scheme around the periphery of the site which will provide opportunity for biodiversity going forward.

The Ecology officer has responded on the application indicating that subject to conditions securing implementation and management of the landscape scheme would deliver a net gain in accordance with relevant development plan policy particularly EN5 of the Part 2 Local Plan.

### **Sustainability/design**

There is no indication from the application submission on how matters of sustainability will be approached although it is accepted that the location of the site offers accessibility in terms of walking cycling, use of public transport or private transport (Policy ST1).

Policy ENV10 of the part 2 Local Plan and WH8 of the NDP both promote good design. In terms of the illustrative drawings submitted it is considered that the use of modern materials similar to those already used on the existing industrial estate will promote a sense of continuity and character across the estate. In any case the final appearance of individual buildings will be the subject of future reserved matters submissions as individual occupiers come forward.

Modern building standards will ensure for energy efficiency but no indication is given as to the use of PVs Solar panels or EV charging points across this new extension. At the time of this report clarification on these matters were being sought from the applicant's agents.

There is no policy requirement presently that would require the introduction of such features within buildings with the exception of ST 1 which suggests the incorporation of infrastructure to support EV charging where practical. This is a matter on which clarification is being sought from the applicant's agents.

Whilst I accept that provision of PVs or Solar Panels and EVs may be desirable and indeed necessary to make a contribution to reducing carbon footprint I am not convinced this issue alone represents a sound reason for refusing planning permission on its own.

## **FINANCIAL CONSIDERATIONS**

CIL is not payable on this development but the request by the LHA to secure financial contributions towards supporting the existing bus service is considered to be a reasonable approach to mitigating the impact of the development and is supported by the general approach set out under Policy WH15 of the NDP .

## **PLANNING BALANCE AND CONCLUSION**

The application site benefits from being physically adjoined to an existing SEA on the northern edge of Woodford Halse . In planning terms the applicants have demonstrated compliance with the provisions of Policy EC4 D such that the outline permission can be supported.

The siting design and appearance of the buildings together with landscape proposal will not result in adverse impact on the amenity of the immediate or surrounding landscape nor will it impact on the amenity of local residential properties by reason of noise, light pollution or adverse impact on highway network subject to the conditions set out and 106 obligation.

On balance it is considered that the proposal represents a sustainable form of development which, subject to the conditions set out and 106 agreement would result in development that complies with the provisions of the development plan and should be approved.

## **RECOMMENDATION**

Subject to entering a 106 agreement to secure financial contributions towards the existing bus service and a requirement on occupiers of the units to fund 1 month bus passes to staff on request

The application be APPROVED subject to **the CONDITIONS AND REASONS below.**

## Time frame for implementation

Approval of the details of the external appearance of the building(s), on the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990)

Plans and particulars of the reserved matters referred to above relating to the external appearance of any building(s) to be erected, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990).

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.

## Drawings

The development hereby permitted shall be carried out in accordance with the approved plans reference:

8551 01 Development Control Plan;

8551 Site Location Plan;

:deposited with the Local Planning Authority on the 14/09/22.

Reason: To ensure that the development is carried out in accordance with agreed amendments.

## Scale

The scale (height , length and width but not final appearance) of the buildings as approved shall be strictly in accordance with the submitted drawings :

8551 03 Unit 11 A-C Elevations

8551 04 Unit 14 A-G Unit A-G Handed Plans and Elevations

8551 05 Unit 15 AB Unit 16 Handed Plans and Elevations.

Reason: This condition is imposed to ensure the height width and length of the approved buildings is as per the approved drawings. Whilst the drawings are marked as illustrative only the LPA considers that as details of scale are being sought under this approval then height width and length of buildings should be set as per the details on these drawings. The LPA recognises that final details of appearance will be dealt with under reserved matters submission in due course.

### Parking

Provision shall be made for the parking, turning, loading and unloading of vehicles within the site, in accordance with the approved plans and shall be laid out, surfaced and marked out before the buildings are first occupied and shall be permanently set aside and reserved for the purpose.

Reason: In the interests of the safety and convenience of users of the adjoining highway.

External materials.

Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the \*\*\*\* hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.

Landscape Treatment

Prior to first occupation a schedule of landscape maintenance details for a minimum of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: This condition is imposed in order to ensure that the approved landscape scheme is properly established In the interests of the visual amenity of the area and to afford increased.

The units 14 and 15 as shown on the approved drawings shall be used for E (g)(iii) (light industrial and for no other purpose (including any other purpose

in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re enacting that Order with or without modification.

Reason: This condition is imposed in order to afford the LPA the opportunity of assessing the impact of other uses upon the amenities of the locality including nearby residential properties..

No display or storage of goods or materials or plant and equipment shall take place other than within the building (hereby permitted).

Reason: In the interests of visual amenity.

#### Noise

Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

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

#### Contaminated Land

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

#### Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater's and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

## **B. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## **C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

#### Light

There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of

sensitive properties and the measures necessary to reduce the impact. Any floodlighting shall be operated in accordance with the approved details at all times.

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

### Construction Phase

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

**REASON: 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.

#### Informative:

The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:

the parking and turning of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;

**measures** to control the emission of dust and dirt during construction;

**a** scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.

design of construction access



hours of construction work  
measures to control overspill of light from security lighting

Informative: Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.  
Surface Water Drainage

No above ground work shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include: i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).. ii) Details of the drainage system are to be accompanied by full and appropriately crossreferenced supporting calculations iii) Cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.

Reason: To ensure that proper mitigation measures are installed on site to control the discharge of surface water from site in order to avoid the risk of on site flooding and to mitigate the risk of flooding off site.

No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To ensure that the approved surface water drainage scheme is properly maintained in the future

18. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in

writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include: a) Any departure from the agreed design is keeping with the approved principles; b) Any As-Built Drawings and accompanying photos; c) Results of any performance testing undertaken as a part of the application process (if required / necessary) ; d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc. e) Confirmation that the system is free from defects, damage and foreign objects.

Reason: to ensure that the agreed surface water drainage system is constructed in accordance with the approved details and to ensure that any changes are properly recorded.

## **CONDITIONS**

### **1. Time frame for implementation**

**Approval of the details of the external appearance of the building(s), on the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

- 2. Plans and particulars of the reserved matters referred to above relating to the external appearance of any building(s) to be erected, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**
- 3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 4. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.**
- 5. Drawings**

**The development hereby permitted shall be carried out in accordance with the approved plans reference:**

**8551 01 Development Control Plan;**

**8551 Site Location Plan;**

**:deposited with the Local Planning Authority on the 14/09/22.**

### **6. Scale**

**The scale (height , length and width but not final appearance) of the buildings as approved shall be strictly in accordance with the submitted drawings :**

**8551 03 Unit 11 A-C Elevations**

**8551 04 Unit 14 A-G Unit A-G Handed Plans and Elevations**

**8551 05 Unit 15 AB Unit 16 Handed Plans and Elevations.**

**7. Parking**

**Provision shall be made for the parking, turning, loading and unloading of vehicles within the site, in accordance with the approved plans and shall be laid out, surfaced and marked out before the buildings are first occupied and shall be permanently set aside and reserved for the purpose.**

**8. External materials.**

**Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details**

**9. Landscape Treatment**

**Prior to first occupation a schedule of landscape maintenance details for a minimum of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

**10. Uses**

**The units 14 and 15 as shown on the approved drawings shall be used for E (g)(iii) (light industrial and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re enacting that Order with or without modification.**

**11. No display or storage of goods or materials or plant and equipment shall take place other than within the building (hereby permitted).**

**12. Noise**

**Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the**

**use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.**

**13. Contaminated Land**

**Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.**

**A. Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- groundwater's and surface waters,**
- ecological systems,**
- archaeological sites and ancient monuments;**

**(iii) an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.**

## **B. Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

## **C. Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

## **D. Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.**

**14. Light**

**There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any floodlighting shall be operated in accordance with the approved details at all times.**

**15. Construction Phase**

**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.**

**Surface Water Drainage**

- 16. No above ground work shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include: i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).. ii) Details of the drainage system are to be accompanied by full and appropriately crossreferenced supporting calculations iii) Cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.**
- 17. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of**

**when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.**

18. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include: a) Any departure from the agreed design is keeping with the approved principles; b) Any As-Built Drawings and accompanying photos; c) Results of any performance testing undertaken as a part of the application process (if required / necessary) ; d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc. e) Confirmation that the system is free from defects, damage and foreign objects.

#### **REASONS**

- 1. To comply with Section 92 of the Town & Country Planning Act 1990.**
- 2. To comply with Section 92 of the Town & Country Planning Act 1990.**
- 3. To comply with Section 92 of the Town & Country Planning Act 1990.**
- 4. To comply with Section 92 of the Town & Country Planning Act 1990.**
- 5. To ensure that the development is carried out in accordance with agreed amendments.**
- 6. This condition is imposed to ensure the height width and length of the approved buildings is as per the approved drawings. Whilst the drawings are marked as illustrative only the LPA considers that as details of scale are being sought under this approval then height width and length of buildings should be set as per the details on these drawings. The LPA recognises that final details of appearance will be dealt with under reserved matters submission in due course.**
- 7. In the interests of the safety and convenience of users of the adjoining highway.**
- 8. From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is**

**recommended the samples are provided at least 8 weeks before they need to be ordered.  
Landscape Treatment.**

- 9. This condition is imposed in order to ensure that the approved landscape scheme is properly established In the interests of the visual amenity of the area and to afford increased.**
- 10. This condition is imposed in order to afford the LPA the opportunity of assessing the impact of other uses upon the amenities of the locality including nearby residential properties.**
- 11. In the interests of visual amenity.**
- 12. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 13. Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 14. In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 15. 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.**
- 16. To ensure that proper mitigation measures are installed on site to control the discharge of surface water from site in order to avoid the risk of on site flooding and to mitigate the risk of flooding off site.**
- 17. To ensure that the approved surface water drainage scheme is properly maintained in the future**
- 18. to ensure that the agreed surface water drainage system is constructed in accordance with the approved details and to ensure that any changes are properly recorded.**

## **NOTES**

- 1. The Statement required to discharge the Construction Management Plan of this consent is expected to cover the**



**following matters:**

- **the parking and turning of vehicles of site operatives and visitors;**
  - **loading and unloading of plant and materials;**
  - **storage of plant and materials used in constructing the development;**
  - **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
  - **details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;**
  - **wheel washing facilities;**
  - **measures to control the emission of dust and dirt during construction;**
  - **a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.**
  - **design of construction access**
  - **hours of construction work**
  - **measures to control overspill of light from security lighting**
- 2. Contractors and sub contractors must have regard to BS 5228-2:2009 'Code of Practice for Noise Control on Construction and Open Site' and the Control of Pollution Act 1974.**

**Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.**



<b><u>Application Number</u></b>	<b>WND/2021/0717</b>
<b>Location Description</b>	<b>LAND OFF HOLLY LODGE DRIVE, BOUGHTON, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>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 &amp; ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING STRUCTURES ON SITE.</b>
<b>Applicant</b>	<b>MULBERRY LAND</b>
<b>Agent</b>	<b>ICENI PROJECTS</b>
<b>Case Officer</b>	<b>REBECCA GRANT</b>
<b>Ward</b>	<b>MOULTON WARD</b>
<b>Reason for Referral</b>	<b>MAJOR APPLICATION</b>
<b>Committee Date</b>	<b>5 OCTOBER 2022</b>

## **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 50% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site.

The application was originally on the agenda of the May Daventry Area Committee however it was deferred to allow further discussion with the applicant.

Following the original submission of the application, the applicants have revised the scheme to include the following;

1. Updated site layout plan - the layout has been amended to demonstrate that an enhanced and widened access could be gained through the proposed development site to enable any future delivery of growth further to the north.

2. The previously shown community building to the west of the access point is now proposed as a pre-school facility to accommodate additional capacity in the local area.
3. Enhanced affordable housing - an on-site provision of 50% affordable units is now proposed.

### **Consultations responses from the first round of consultation**

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

- WNC Policy Team, Boughton Parish Council, Kingsthorpe Parish Council, CPRE, Minerals and Waste, Northants Badger Group

The following consultees have raised **no objections (subject to conditions)** to the application:

- NHS (CCG), National Highways, Crime Prevention Design Advisor, Environment Agency, WNC Development Management, WNC Landscape, Highways, WNC Archaeology, WNC Ecology, WNC Environmental Health

12 letters of objection have been received including the MP

### **Consultations responses from the second round of consultation**

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

WNC Policy Team, Boughton Parish Council

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

Environment Agency, NHS (CCG), National Highways, WNC Ecologist, WNC Environmental Health, Highways, Anglian Water

13 letters of objection 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 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, S4, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies SP1, RA6, ENV1 and ENV3, as it proposes new build residential development in open countryside in a Green Wedge, 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 – 50% – 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 frontage 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 50% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site.

Access to the site is proposed from Holly Lodge Drive. An illustrative layout has been submitted which provides an illustration of how the site could be developed. To the west of the access is a community building, beyond which is an apartment block. To the east of the access is the residential area. A 3m development landscape buffer is proposed along the north west boundary. Open space is proposed fronting Holly Lodge Drive and Boughton Green Road. An attenuation basin is proposed in the north eastern corner of the site.

The application was originally on the agenda of the May Daventry Area Planning Committee however it was deferred for further negotiations. The following amendments have been made;

- An updated layout - The layout has been amended to include an enhanced and widened access could be gained through the proposed development site to enable any future delivery of growth, further to the north. The applicant states that this evidences that, should the application at Holly Lodge Drive be supported, this would not preclude any future growth being delivered as part of the development plan process.
- Pre-school opportunity within the proposed community hub - The applicants are currently in contact with 5 local providers who have demonstrated expressions of interest in working with them as a delivery partner to bring forward a new pre-school facility. The planned facility includes available additional capacity for a flexible community use should this also be required.
- 50% affordable unit - the proposal now includes an enhanced affordable housing offer. A proportion of this could comprise First Homes. The applicants have received an expression of interest from Stonewater RP who are interested in delivering the affordable housing.

## **RELEVANT PLANNING HISTORY**

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

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
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, Demolition of existing buildings and structural planting and landscaping, informal open space and play area, surface water mitigation and attenuation and associated ancillary works.	Withdrawn
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 6.03.2017 (Appeal Dismissed)

Application DA/2016/1144 was refused 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 saved policies GN1 (Criteria B. and F.); EN10; and HS24 of the Daventry District Local Plan, 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 17. 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) as required by saved policy GN2 (Criteria C and D.) of the Daventry District Local Plan and 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 (per paragraphs 203 and 204 of the National Planning Policy Framework). 4. In the absence of an archaeological evaluation, by way of a full geo-physical survey and trial trenching, it is not possible to assess whether the proposed development would have an adverse impact on heritage assets with archaeological interest, contrary to paragraph 128 of the Framework, saved Daventry District Local Plan policy GN2 (Criterion F) and West Northamptonshire Joint Core Strategy Local Plan policy BN5.

This refusal was appealed by the applicants. The Inspector set out the main issues:

The effect of the proposal on the character and appearance of the surrounding area;

Whether the proposal would accord with the development strategy for the area;

Whether the proposal would make adequate provision for affordable housing; and

Whether the proposal should make provision for the Northern Orbital Road (NOR).

In assessing the above issues, the Inspector dismissed the appeal (22.12.2017)

The applicants appealed to the High Court against the Inspectors decision. This appeal was refused on 17.04.2018 for the following reasons;

"Ground 1 - It is unarguable that there was procedural unfairness. The Claimant adduced evidence and expressed its views on landscape and visual impacts, which were duly considered by the Inspector. The Claimant has not identified any further evidence which it could or would have adduced but for the alleged unfairness. The Claimant ought not to have assumed that the Inspector would adopt the Statement of Common Ground (SCG). The SCG was not binding on the Inspector, and he was required to exercise his own planning judgement, based only upon the submission of the parties but also his own assessment of the evidence, including his site visit. Moreover, third parties who were not party to the SCG raised matters relevant to landscape and visual impacts which the Inspector has to address.

Ground 2 - The Supreme Court has recently reiterated that the courts should respect the planning expertise of Inspectors and start from the presumption that they will have understood the policy framework correctly. I accept the submission of the Defendants in their Summary Grounds to the effect that the

Inspector's interpretation of the policies was not even arguably incorrect and that his exercise of planning judgement in the application of those policies did not disclose any error in law.

Ground 3 - I accept the submissions of the Defendants in their Summary Grounds, it is unarguable that there was conflict between 2014 JCS Policy S1(A) and Policy GN1 in the Local Plan, so as to engage section 38(5) PCPA 2004."

The applicants then challenged this decision in the Court of Appeal. This challenge was refused as it was considered to be totally without merit (24.1.2019). The reasons stated are:

"1. Ground 1 is unarguable. There was no procedural unfairness. It was foreseeable that the application might be refused on grounds of landscape and visual impact. Despite the statement of common ground, the applicants were well aware that there were third parties who were objecting to the proposed development on the grounds of landscape and visual impact. The applicants has ample opportunity to adduce evidence and make submissions about that issue.

2. Grounds 2 and 3 are equally unarguable. The Inspector did not misunderstand the development plan. Policies are to be interpreted objectively in context and not as statutes and the explanatory text assists that process. The Inspector's reading of policy S1A was in accordance with those principles. The suggestion that the Inspector failed to distinguish between the old and new plans is equally unfounded for the same reasons."

## **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 C1 Changing Behaviour and Achieving Modal Shift

Policy C2 New Developments

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 in relation to the first round of consultation carried out in November 2021.

Consultee Name	Position	Comment
Boughton Parish Council	Objection	<p>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 &amp; Access Statement to highlight why it should be rejected.</p> <p>2. Reference to the following key policies within the Local Plan has been made to guide the design...ENV3: Green Wedge</p> <ul style="list-style-type: none"> <li>• The applicant states "following the described pattern of growth for the Northampton</li> <li>• conurbation, the application site now presents itself as the next natural development</li> <li>• phase"2</li> <li>• 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.</li> <li>• 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.</li> <li>• The site sits within the Green Wedge. Therefore, it is in direct conflict with policy</li> <li>• ENV3.</li> <li>• 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.</li> </ul> <p>Page 20 of the Design &amp; Access Statement 2 Page 30 of the Design &amp; Access Statement</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"> <li>• 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</li> <li>• Clearly there is no trend in people using other modes of travel so the site being sustainable on this basis is irrelevant.</li> </ul>

		<ul style="list-style-type: none"> <li>• The application should consider the reality that a significant proportion of households in fact own more than one car.</li> <li>• 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.</li> </ul> <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"> <li>• 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 cars travel at speed across the roundabout and onto Holly Lodge Drive. This would be an accident waiting to happen.</li> <li>• Queries are also raised about how you would access the site when approaching from the roundabout. A right hand turning into the site is likely to cause significant congestion to an already highly congested road network.</li> <li>• An adverse impact on noise and air pollution with the additional traffic movements is inevitable.</li> </ul> <p>5. The application makes several references to walking distance to Northampton University and page 23 of the Design &amp; Access Statement shows an area outlined as Northampton University.</p> <ul style="list-style-type: none"> <li>• It is understood that Northampton University sold the campus to Permission Homes.</li> <li>• 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).</li> <li>• 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 <a href="https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/car-or-van-ownership/latest">https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/car-or-van-ownership/latest</a> 4</li> </ul>
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	<p><a href="https://www.statista.com/statistics/304290/car-ownership-in-the-uk/">https://www.statista.com/statistics/304290/car-ownership-in-the-uk/</a></p> <p>6. The site sits adjacent to the NRDA.</p> <ul style="list-style-type: none"> <li>• Precisely the point, it sits adjacent to it, not within it.</li> <li>• 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.</li> </ul> <p>7. The WNJCS, whilst adopted in 2014, was recently endorsed by the three partnering councils in January 2020.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <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"> <li>• 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.</li> <li>• 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.</li> <li>• 9. The applicant refers to Section 5 of the NPPF (July 21) – delivering a sufficient supply of homes.</li> <li>• 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.</li> </ul> <p>10. The applicant emphasises the desirability of a flexible mixed-use community hub/retreat.</p>
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		<ul style="list-style-type: none"> <li>• The Parish Council are due to take on the responsibility of the local community centre to be built at Buckton Fields.</li> <li>• The Parish also benefits from use of the community village hall.</li> <li>• The Parish does not need a third facility to manage at the expense of the parishioners.</li> </ul> <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"> <li>• The site sits on the periphery of Boughton and directly adjacent to the parish of</li> <li>• Kingsthorpe which is densely populated and suffers from significant traffic congestion.</li> <li>• 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.</li> <li>• E.g. the site sits within the Royal Parks Primary Care Network (PCN) which covers a</li> <li>• population of 34,542 in comparison to the adjacent MWEB PCN which only covers</li> <li>• 31,395.</li> </ul> <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 regrading 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



		<p>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. 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

Below is a summary of the consultation responses received in relation to the second round of consultation carried out in August 2022.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Boughton Parish Council	Objects	Previous comments (letter dated 22 October 2021) still stand.
Kingsthorpe Parish Council		No comments received at time of drafting report.
WNC Policy Team	Objects	<p>You are aware of the Policy Team's position on the principal of development in this location. It is located in the open countryside on land that forms part of the Green Wedge, a designation that was confirmed in the SCLP, adopted February 2020. We maintain the view that the proposal is fundamentally contrary to policy for the reasons set out in the document issued to the applicant on 24 August 2022.</p> <p>With reference to the Planning Statement Addendum, the amended layout shows the potential for the site to extend to the north, however, this is not relevant to the current application due to the policy designation; furthermore, the vision and strategy of the emerging West Northants Strategic Plan has not been confirmed. The provision of a community building with indication of interest from a local pre-school does not outweigh the policy objections. At our meeting with the applicant, we indicated that a pre-school would not have wide community benefits and the applicant said that the building could be configured to offer a flexible community space, which is reiterated in the PS Addendum. In terms of need for community facilities and space, there is an existing village hall in Boughton and it is understood that Boughton Parish Council will take over responsibility for the new community centre at Buckton Fields. It is therefore unlikely that an additional facility is needed.</p>

		The site is not within the NRDA therefore in terms of need should be considered against criterion ii of Policy RA2 B. The site is in Boughton Parish and the applicant has not provided any evidence of a need for the indicated number of affordable dwellings (50% equating to approx. 32 dwellings) or market dwellings in Boughton.
NHS (CCG)	Comments	Not sufficient capacity therefore recommend financial contribution of £33,046.30
National Highways	No objection	
CPRE		No comments received at time of drafting the report.
Crime Prevention Design Advisor		No comments received at time of drafting the report.
Environment Agency	No objection	Request conditions for a separate system with only foul draining to foul/combined sewers and surface water draining to soakaways/SUDS, watercourse or surface water sewer.
Minerals and Waste		No comments received at time of drafting the report.
Northants Badger Group		No comments received at time of drafting the report.
WNC Ecologist	No new comments	I note that the applicant has accepted the conditions I previously recommended in my previous comments and therefore I have no new comments.
Archaeology	No objection	The amendments do not result in a material change that would alter the recommendations previously made.
Environmental Health	Comments	The community building is now established as a proposed pre-school facility. This will impact the proposed noise condition previously proposed due to additional noise from use of outside space, although the noise condition does not need amending. At this early stage it is an ideal time to implement air quality improvement measures around the perimeter of the pre-school facility

		in the form of green walls and enhanced distance from kerb side.
Landscape		No comments received at time of drafting the report.
Conservation		No comments received at time of drafting the report.
Lead Local Flood Authority		No comments received at time of drafting the report.
Highways	Comments	No further comments to make. Previous comments are their final opinion.
Anglian Water	Comments	Recommends conditions

## **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:

- Reiterate previous comments submitted (see above)
- The previous application was rejected by the Planning Inspectorate.
- The change in apartments now at the top of the site will still affect the visual appearance from the road, adjacent fields and properties in close proximity.
- Having gone through the Planning Statement Addendum Mulberry Homes keep suggesting that 'affordable housing' is locally in demand which they say is through their 'own' research. My previous comments remain.
- The proposal will have a detrimental effect on the area. There is insufficient infrastructure in an area which is already at breaking point with transport, education, lack of doctors and services.
- Increase in pollution.
- Detrimental impact on the countryside. Wildlife will suffer.
- Police and schools are already overstretched.
- Employment will not improve as people who buy these houses will already to be working away from the area.
- The change in public activities within lockdown shows a reduction in usage in community centre and more for countryside, so why is one proposed that would not be used. There is already an established community centre and one more being planned for Kingsthorpe.
- The spatial options consultation to look at suitable location for development is only at the first stage. This is a public consultation to which this land is included. This should not even be considered until a decision is made.

- The area is already heavily congested with traffic, with extremely high levels of pollution, increasing the density of housing without a corresponding plan to address these issues is unacceptable.
- Reservation about the affordable housing and if people would be able to afford it.
- The NWRR when completed will bring even more traffic onto the surrounding roads including Holly Lodge Drive being one of the main routes to access Moulton Park industrial estate and with no route yet agreed for the orbital road, this site should not be considered for development.
- The proposal for the community centre will only increase traffic flow in and out of the place.
- Open fields are necessary to sustain and help the environment and given that this location is currently classed as Green Wedge which is explained as fulfilling a biodiversity function and form part of the wider green infrastructure network (taken from Daventry Local Plan Part 2) it should be refused.

## **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.

Paragraph 4.1.05 of the Part 2 Daventry Local Plan sets out the importance of maintaining adherence to policies in relation to the NRDA and not allowing



piecemeal developments outside the designated area purporting to be related to the growth of Northampton.

Any such sites should be promoted through the review of the of the West Northants Strategic Plan, and not by way of speculative applications and appeals – a process this site has already been through prior to the adoption of the Part 2 Local Plan:

**4.1.05 As this is a Part 2 Local Plan it is crucial that this over-arching spatial strategy of the WNJCS is carried forward. With respect to the NRDA, it is important that Northampton’s needs are met in a plan-led manner to avoid piecemeal development. As set out in para 5.12 of the WNJCS piecemeal development can increase the load on the current road and utilities infrastructure, without bringing forward the economies of scale that would make the provision of further infrastructure cost effective and therefore deliverable. Such a pattern of development in the District is not considered to be sustainable. It is not within the scope of the Part 2 Plan to plan for development that meets the needs of Northampton (outside the SUEs that have already been allocated). Work on the review of the WNJCS (Part 1 Plan) is underway, and this Plan would not inhibit additional development coming forward to meet Northampton’s needs should it arise from that review in the West Northamptonshire Strategic Plan.**

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.

Following the original submission of the application, the applicant has sought to slightly amend the scheme. Firstly, the site layout plan has been updated. The layout has been amended to demonstrate that an enhanced and widened access could be gained through the development site to enable any future delivery of growth, further to the north, in alignment with the emerging growth options set out in the draft Local Plan. Whilst the site may not preclude future growth, no decision has been taken on where this future growth will be and consequently this has no impact the current development and would not outweigh policy objections to the location of development.

Secondly, the building previously shown as a community building to the west of the access point is now proposed for a pre-school facility. The applicants have carried out their own research and have advised that pre-school providers are oversubscribed. The applicants are working with 5 local providers who have demonstrated expressions of interest in working with them as a delivery partner to bring forward a new pre-school facility. The proposed facility includes available additional capacity for a flexible community use should this be required.

Whilst officers acknowledge there may be a lack in pre-school providers, the addition of this facility again does not outweigh the policy objection to the location of the proposed development. It is also noted that a new community building will be provided on Phase 3 of Buckton Fields which now has planning approval and work has commenced on this phase.

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. Officers do not consider that the amendments proposed to the scheme change this opinion.

#### 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 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 which will erode and undermine the purpose of the Green Wedge. 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. The amended scheme now proposes provide 50 affordable dwellings. This is in excess of the policy requirement.

The applicants have advised that a proportion of this could comprise First Homes which the applicants have advised, following their own research, is locally in demand. The applicants also advise that they have received an expression of interest from Stonewater RP who are interested in delivering the affordable housing.

The proposal is therefore policy compliant in regards to the affordable housing provision and as such in accordance with LPP1 HO2, however, it is not considered that this outweighs the policy objections outlined above.

#### 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 in accordance with Policies C1 and C2 of the LPPP2.

#### 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, 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 7.5 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**

### **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, S4, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies SP1, RA6, ENV1 and ENV3, as it proposes new build residential development in open countryside in a Green Wedge, 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 (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**

