



Planning Committee Report

Application Number: WNS/2022/0310/OUT
Location: 11 Bakers Lane, Shutlanger, Northamptonshire, NN12 7RT
Development: Outline application for 3 No. of detached townhouses with all matters reserved except access.

Applicant: Mr & Mrs D Fry
Agent: b3 architectural
Case Officer: James Paterson

Ward: Towcester and Roade

Referred By: The report is referred by the Head of Planning Delivery
Reason for Referral: Called in by Councillor Fowler following concerns with regard to transport (parking), overdevelopment and a conflict with the Council's design guidance
Committee Date: 11 May 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Outline planning permission is sought for the erection of three dwellinghouses on the site. All matters are reserved apart from access and therefore matters such as design, siting and landscaping would be dealt with via a subsequent reserved matters application.

Consultations

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

- WNC Highways, Parish Council

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

- WNC Ecology, WNC Archaeology, WNC Environmental Protection

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

- None

Two letters of objection have been received and no letters of support have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of Development
- Design
- Neighbouring Amenity
- Highways
- Ecology
- Archaeology
- Land Quality
- Flooding and Drainage

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

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

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 This application relates to land associated with 11 Bakers Lane in the village of Shutlanger. The application site itself comprises an undeveloped parcel approximately 481m² in size towards the front of the large plot associated with No. 11. The application site fronts Bakers Lane and lies between the gated access to 11 Bakers Lane and the new dwellings to the north-west of the site, 5-9a Bakers Lane, which have recently been completed.
- 1.2 The site is surrounded by residential dwellings on all sides. To the north lies the large dwelling which is under construction, following the recent grant of permission as part of application WNS/2021/1239/FUL, and the farmhouse of 11 Bakers Lane beyond. To the east lies 15 Bakers Lane, although this is set some distance from the site and is heavily screened by mature vegetation. To the south of the site lies the development at The Paddocks which comprises seven generous detached dwellinghouses which were erected in the 1980s. To the west lies the dwellings at 5-9a Bakers Lane which comprise a set of four stone semi-detached dwellings which front Bakers Lane. Beyond these dwellings lies the complex at The Linhay which is a substantial dwelling converted from a former agricultural barn which borders the northern boundary of the wider site at 11 Bakers Lane but lies at least 12m from the application site.

2 CONSTRAINTS

- 2.1 The application site is within an area with potential archaeological assets, within an area at high risk of surface water flooding and within the 2km buffer of several Local Wildlife Sites.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 This application seeks outline planning permission for three dwellinghouses on the application site. While indicative plans have been submitted, these are not required at this stage and are subject to change at the reserved matters stage. All matters have been reserved apart from access which would be attained via individual access from each dwelling directly onto Bakers Lane.
- 3.2 This application follows the grant of permission for outline permission for four dwellings an enlarged site which encompassed both this application site and that of the adjacent dwelling which is under construction (references: S/2016/1318/OUT and S/2019/1948/OUT). No reserved matters application was approved following these grants of outline permission. However, with recent the grant of permission of a single dwelling on the site (reference: WNS/2021/1239/FUL) and the three dwellings proposed on the site subject of this application, the proposal would not result in an increase in dwellings on the wider site within the Applicant's ownership as this would still be result in a total of four dwellings.

4 RELEVANT PLANNING HISTORY

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

- 4.1.1 S/2015/2759/LDE - Lawful Development Certificate for the Existing Use of Land as Residential Garden - 11 Bakers Lane Shutlanger – Approval

Officer Comment: This lawful development certificate confirmed the lawful curtilage of 11 Bakers Lane and its use as residential garden land.

- 4.1.2 S/2016/1318/OUT - Outline 4 dwellings - 11 Bakers Lane Shutlanger – Approval

Officer Comment: This granted outline permission for four houses on the extended site in the front garden of 11 Baker Lane. This site comprised the site subject of this application, as well as that of WNS/2021/1239/FUL. This permission has lapsed.

- 4.1.3 S/2019/1948/OUT - 4 new dwellings in existing residential garden (outline) - 11 Bakers Lane Shutlanger NN12 7RT – Approval

Officer Comment: This granted outline permission for four houses on the extended site in the front garden of 11 Baker Lane. This application was identical to S/2016/1318/OUT and sought to renew that permission. This site comprised the site subject of this application, as well as that of WNS/2021/1239/FUL. This permission has lapsed since a subsequent reserved matters application was not received for the whole site nor was a reserved matters application approved.

- 4.1.4 WNS/2021/0694/RES - Reserved matters application pursuant to S/2019/1948/OUT (4 new dwellings in existing residential garden) for one of the four approved dwellings & indicative Block Plan to show 3 smaller homes. - 11 Bakers Lane, Shutlanger, Northamptonshire, NN12 7RT – Withdrawn

Officer Comment: This sought approval for reserved matters in relation to S/2019/1948/OUT, but only for one of the four dwellings approved at outline stage. This application was withdrawn and permission for the single house was sought as part of WNS/2021/1239/FUL.

- 4.1.5 WNS/2021/1239/FUL New accessible dwelling (with detached garage) on part of site with existing outline planning consent for four detached dwellings (S/2019/1948/OUT) - Land adjacent to 11 Bakers Lane Shutlanger NN12 7RT – Approval

Officer Comment: This planning permission was for one of the four houses consented under S/2019/1948/OUT. It should be noted that this is a full application and does not directly relate to the outline or reserved matters applications.

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

5.2 Development Plan

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

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

5.4 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for the Rural Areas
- H1 – Housing Density and Mix and Type of Dwellings
- BN2 – Biodiversity
- BN5 - The Historic Environment and Landscape
- BN7 - Flood Risk
- BN7A - Water Supply, Quality and Wastewater Infrastructure
- BN9 - Planning for Pollution Control

South Northamptonshire Local Plan (Part 2) (LPP2)

5.5 The relevant policies of the LPP2 are:

- SS1 - The Settlement Hierarchy
- SS2 - General Development and Design Principles
- LH1 - Residential Development Inside and Outside Settlement Confines
- GS4 - Backland Development
- INF4 - Electric Vehicle Charging Points
- NE5 - Biodiversity and Geodiversity
- NE6 - Sites of Special Scientific Interest And Protected Species

Material Considerations

5.6 Below is a list of the relevant Material Planning Considerations

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

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
WNC Highways	Object	<p>Based on the details submitted the LHA are unable to support this application for the following reasons.</p> <p>The proposed town houses have 4 bedrooms which would require the provision of 3 parking spaces per dwelling; currently each dwelling only has 2, this would result in vehicles parking on the narrow carriageway which would be unacceptable and compromise highway safety.</p> <p>A minimum clearance of 1.0m between the face of a building and the highway boundary is required. This is to ensure that foundations and construction to not undermine or encroach on the highway. This also ensures that drainage, downpipes and windows etc do not encroach over the highway.</p>

		<p>Details in regards to the surfacing of the access must be demonstrated on a scaled drawing; these must be hard surfaced for a minimum distance of 5.0m from the back edge of the highway boundary, gravel and loose materials will not be permitted as these materials may be carried onto the highway causing a hazard for other road users.</p> <p>Any crossover of highway must be surfaced in tarmac only and will require the applicant to obtain a Section 184 Licence (see details below)</p> <p>The applicant must provide the necessary 2.0m x 2.0m pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level. I attach the LHA's adopted Standing Advice document to be passed to the applicant for their information and for the revision necessary to their site layout.</p> <p>Please note that surface water from a private driveway is not permitted to discharge onto the public highway, the outfall water must collect to an Aco drainage channel positioned on the applicant's front boundary, just behind the back edge of the footpath, on the vehicle crossovers, draining to soakaways contained within the curtilage of the private property.</p> <p>In regards to the carports the LHA would require these to be conditioned; the open faces are within 5.5m of the highway boundary and therefore must remain ungated/barred or enclosed. These should have an internal measurement of 3.3m if surrounded by or adjacent to wall or other structures.</p>
Shutlanger Parish Council	Object	<p>3 additional properties, tandem building, to the site are clearly an overdevelopment.</p> <p>The access to the site is of major concern, Bakers Lane already suffers from poor tarmac conditions and has many potholes near the existing property access and the proposed new access. These potholes are constantly under repair. The expected increase in heavy vehicles to and from the site will only compound the problem both during the construction work on the property and after the properties are built.</p> <p>A single blind access for 4 properties on to a very narrow section of Bakers Lane will no doubt cause other traffic issues.</p> <p>There will not be adequate parking in Bakers Lane for construction vehicles, this is a narrow lane and any parking in front of the property will cause issue not only for residents but also for emergency vehicles. The constant closure of parts of Main Road by Anglian Water means that Bakers Lane is the only access and exit to the village for many residents.</p> <p>Provision should be considered to both issues prior to approval. Until these issues have been addressed the</p>

		council does not approve the application. We also do not consider the proposed development is in keeping with the draft local plan which states – <i>'Development proposals involving infilling, back land or the complete or partial redevelopment of residential garden land will not normally be permitted.....' and Tandem development i.e. one house cited immediately behind another and sharing the same access, will not be permitted</i>
WNC Ecology	No Objection	No objection, conditions required.
WNC Environmental Health	No Objection	No objection, conditions required.
WNC Archaeology	No Objection	No objection.

7 RESPONSE TO PUBLICITY

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

7.1 There have been two objections raising the following comments:

- Overdevelopment
- Highway Safety/ Car Parking
- Drainage
- Noise and Disturbance (Particularly During Construction)
- Lack of Bin Storage

8 APPRAISAL

Principle of Development

- 8.1 Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out that when considering development proposals the relevant council will take a positive approach that reflects the presumption in favour of sustainable development contained in the national planning policy framework. Policies S1 and S2 deal with the distribution of development and the settlement hierarchy within the district.
- 8.2 Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for new development will be directed towards the most sustainable locations in accordance with the District's settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposals maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
- 8.3 Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out the spatial strategy for rural areas. The policy specifies that development in rural areas will be guided by the rural settlement hierarchy and sets out a list of criteria that will be considered when considering development proposals in rural areas. It also lists a set of requirements for residential developments in rural areas.
- 8.4 Policy LH1 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out the criteria for residential development being acceptable both within and without defined settlement boundaries. The policy states that residential development within town and village confines as defined on the Proposals Map, and within the boundary of the NRDA will be acceptable in principle where it provides for an appropriate mix of dwellings in accordance with Policy LH10 of this Plan, would

not result in harm to the character of the area or the loss of public or private open spaces that contribute positively to the local character of the area (including residential gardens), does not need substantial new infrastructure or other facilities to support it and would not displace an existing viable use such as employment, leisure or community facility.

- 8.5 Policy GS4 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that development proposals involving infilling, backland, tandem or the complete or partial redevelopment of residential garden land will not normally be permitted, unless the development scheme can demonstrate it will not adversely affect the character of that part of the settlement and will not adversely affect the amenities of neighbouring residential properties while also providing suitable parking.
- 8.6 The application site falls within the settlement boundary of Shutlanger, which is a fourth category small village as defined in Policy SS1. A Small Village is defined as having a limited range of services and its occupiers are more reliant on the services of larger centres for day-to-day needs. The development plan seeks to direct development to sustainable locations within existing settlement confines and the proposed development would accord with these aims as set out in Policies SS1, R1 and LH1.
- 8.7 Turning specifically to the criteria set out in LH1, it is noted that a full assessment of this policy cannot take place at outline stage as a number of matters, including harm to the character of the area or mix of dwellings, cannot be fully assessed until a reserved matters application resolves the final design. Notwithstanding this, officers do not consider that houses on this site would, in principle, give rise to harm to the character of the area and a carefully designed set of three dwellings on the site would be consistent with the grain of development in the area, notably that set by 5-9a Bakers Lane which are laid out in a similar pattern to that being proposed here. A carefully designed development on this site would therefore be a congruent addition to the area and would be sympathetic to the pattern of development in this part of the village.
- 8.8 The final mix of dwellings has not been set at this stage. However, given the limited number of dwellings being proposed it is considered that 1-3 bedrooms for each house would be appropriate in this location.
- 8.9 The proposal would entail the loss of a small amount of private open space, although most of this space is currently enclosed by timber fencing. However, officers consider that the open space as it is currently presented does not represent a high quality space which contributes positively to the visual amenity of the lane. In considering whether the loss of the open space on the site would adversely impact the character of the village, officers note that much of the lane is enclosed with residential development largely being set back a minimal distance from the highway; this is particularly noticeable on the western end of the street. While the nearby development on The Paddocks and the belt of trees to the rear of 15 Bakers Lane offer a greater generosity of space and dense vegetation respectively, officers consider that these do not inform the defining characteristics of the lane which is more typified by built form enclosing the lane. Therefore the proposal would not result in an unacceptable loss of open space that is important to the character of the village.
- 8.10 Officers consider that the proposed development would not prejudice the use of an existing employment use, leisure facility or community facility within the village.
- 8.11 In considering the criteria set out in Policy GS4, officers consider that the term that best characterises the proposed development would be infilling, since it would be providing development in a vacant plot of land which fronts the highway and would fill in much of the gap in the frontage on the lane between 9a and 15 Bakers Lane. The proposal could not be readily characterised as backland development since it is proposed in the front garden of 11 Bakers Lane, or the new dwelling to the rear, and would set forwards of the building lines of those dwellings. For clarity, the definition of backland development in the SNC Design Guide is below.

Backland development is the intensification of development, usually involving the subdivision of existing building plots to create new development behind the existing building line. This backland development lies to the rear of existing properties that often, but not always, front onto a road.

- 8.12 The proposal also does not consist of tandem development since tandem is a form of backland development. Furthermore, tandem development describes new development immediately behind an existing dwelling, which is not the case here. The definition of tandem development in the SNC Design Guide is below.

Tandem development is a form of backland development where a new dwelling is placed immediately behind an existing dwelling and is served by the same vehicular access. Tandem development is generally unacceptable due to the detrimental impact that the additional property has on the amenity of the existing property at the front of the site.

- 8.13 It is noted that backland development and tandem development is typically resisted by the Council from a design perspective since, unless it has been carefully designed, these form of development often result in a poor quality street scene as well as causing amenity issues for neighbours. However, infilling is a more common form of development that is more likely to respect the existing grain of development in the area and preserve its sense of place. It is considered that the proposed development would meet the circumstances in which the Council would accept infilling development in that it would not, in principle, adversely affect the character of Shutlanger, nor adversely affect the amenities of neighbouring residential properties while also providing suitable parking.
- 8.14 In considering the principle of development, officers have had regard to the fact that the Council has previously granted outline permission for four dwellings on the site in 2016 and 2019 in a broadly similar policy context and this proposal would not lead to an increase on the wider site associated with 11 Bakers Lane.
- 8.15 Overall, officers consider that the proposed development would be acceptable in principle and would accord with Policies SS1, SS2, S1, R1, GS4 and LH1.

Design

- 8.16 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach.
- 8.17 The layout, appearance, landscaping and final architectural details are all reserved matters and cannot be considered as part of this application for outline planning permission. However, as discussed in the previous section of this report, officers consider that the principle of dwellings on this site is acceptable in design terms since dwellings here would respect the grain of development in the village and would appear as a congruent continuation of built form along Bakers Lane.
- 8.18 While the submitted floor plans, elevations and site plan are all indicative, officers have reviewed them and consider that further development of the design would be required since the overall scale and appearance of the proposed dwellings, particularly the eastern dwelling, would need to better respect the constraints on the site as well as ensure the dwellings appear as more organic additions to the street scene with minor variation between each dwelling. Furthermore, more consideration is required as to their siting and foot print within the plot. However, these matters do not represent a constraint on the Council's ability to grant permission for this application since these matters will be assessed as part of a subsequent reserved matters application.
- 8.19 While design details are a reserved matter, officers consider that the principle of three dwellings on this site would be acceptable and would accord with Policy SS1. While further development of the proposal would be needed prior to the submission of a reserved matters application, officers are also content with the broad approach shown in the indicative plans.

Neighbouring Amenity

- 8.20 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that developments must not unacceptably harm the amenity of occupiers and users of neighbouring properties and

the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured.

- 8.21 Officers are not able to make a full assessment as to the impact of the proposed development on the amenity of neighbouring occupiers since final design details are not available as part of this application. However, having regard to the indicative plans, existing arrangement and the orientation of the sun, officers consider that it would be readily possible to accommodate three dwellings on the application site without giving rise to an unacceptable loss of daylight to neighbours' habitable internal rooms or outdoor amenity areas. Likewise, officers consider that, subject to final design details, three dwellings on the site could be carefully designed in such a way so as to avoid causing unacceptable overbearing or a sense of enclosure to neighbouring occupiers. Likewise, officers are satisfied that a well-designed development with thoughtfully laid out fenestration could likewise avoid an unacceptable erosion of privacy to neighbours. This could be achieved by directly views towards the front and rear of the development where there would be sufficient distance to neighbours at The Paddocks to avoid unacceptable overlooking while there would be sufficient relief to the windows of the new dwelling to the rear to likewise avoid an unacceptable loss of privacy.
- 8.22 Overall, the proposal would be acceptable in terms of neighbouring amenity and this aspect of Policy SS2.

Highways

- 8.23 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 8.24 Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Paragraph 112 of the NPPF states that planning decisions should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and that d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.26 Policy INF4 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that on all sites where an additional dwelling is created (including conversions) with a garage or driveway, electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) will be required. Furthermore, for residential developments of 10 or more units (including conversions) with communal parking areas for every 10 dwellings provided, 2 parking bays marked out for use by electric vehicles only together with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) will be required. Where business, retail, commercial or leisure developments provide 10 or more parking bays, for every 10 bays or part thereof one parking bay marked out for use by electric vehicles only together with DC fast charging equipment or equivalent charging equipment providing no less standard of efficiency, will be required.
- 8.27 Officers have carefully considered the concerns that have been raised as part of the public consultation in relation to the potential for an increase in traffic on Bakers Lane as a result of the proposed dwellings as well as in relation to car parking. Officers have also carefully considered the view of the Local Highways Authority who have expressed concern.
- 8.28 In terms of highways safety as a result of increased traffic on Bakers Lane, which narrows in sections to a single carriageway, officers have had regard to the fact that the principle of four

dwellings on the extended site, including the land serving the new dwelling to the rear, has been established on several occasions through the grant of outline permission. While it is noted that these are not extant permissions, the planning circumstances of the site as well as the policy context has not significantly changed and therefore officers have afforded this consideration substantial weight. Furthermore, it is noted that the Highways Authority have not objected on the basis of highways safety as a result of increased traffic on Bakers Lane; while they have raised some issues with regard to highways safety these would be addressed as part of final design details in a reserved matters application.

- 8.29 Having regard to the previous planning decisions in addition to the lack of objection in relation to construction traffic, officers consider that construction traffic could be adequately managed by a suitable construction traffic management plan.
- 8.30 Final details of car parking would be secured via a reserved application, officers consider that the indicative arrangement would not be acceptable since three car parking spaces would be required for a four-bed house. Officers have therefore included a condition that any dwelling proposed as part of a reserved matters application must have no more than three bedrooms to ensure that there is sufficient space on the site to accommodate car parking. While the Highways Authority have raised concern with the final design details of the car parking, objection has not been raised in terms of the principle of undercroft parking. Officers are therefore satisfied that it would be possible to propose final design details at reserved matters application stage which addressed the points of objection from the Highways Authority.
- 8.31 Officers have included a condition requiring electric vehicle charging to be installed at each proposed dwelling to ensure compliance with Policy INF4.
- 8.32 Turning to the access itself, which is not a reserved matter, each property would benefit from direct access onto Bakers Lane, which is considered appropriate. While the comments raised in the public consultation are noted, officers consider that Bakers Lane is a quite rural lane which is not subject to heavy traffic and future occupants would likely not give rise to highways safety issues in gaining access to any car parking on the site. Officers also note that the part of Bakers Lane in front of the site is a wider part of the lane and future occupants would likely not encounter issues using this space to reverse into any car parking on the site. Final design details as part of a reserved matters application should also include design revisions which address Highways Officers' concerns in relation to visibility splays so as to ensure cars are able to safely leave the site.
- 8.33 Overall, officers consider that the proposed development would be acceptable in highways terms in the context of this being an application for outline permission and the proposal would accord with Policies SS2 and INF4.

Ecology

- 8.34 Policy NE3 of the South Northamptonshire Part 2 Local Plan 2011-2029 seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.35 Policy BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the

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

- 8.36 The application site does not contain and is not within close proximity to any statutory or non-statutory designated sites. The site consists at the time of the submitted ecology survey of an area of amenity grassland, with hedgerows and trees in the boundary to the road. In the immediate surroundings are further amenity grassland with farmland, tree blocks, residential with gardens, trees and hedgerows, although much of the site has now been cleared. A small watercourse runs down the eastern boundary on the wider site just a few metres from the development site boundary.
- 8.37 Subject to a condition requiring a final pre-commencement protected species check as a result of the age of the submitted Construction Environmental Management Plan, officers are satisfied that the proposed development would adequately mitigate any ecological impacts and would provide a net gain in biodiversity as a result of bird and bat boxes and appropriate wildlife friendly planting within the final landscaping scheme.
- 8.38 Subject to conditions limiting external lighting on the site, officers consider that the proposed development is acceptable in terms of ecology and Policies NE3 and BN2.

Archaeology

- 8.39 Policy HE2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that development that would harm archaeological remains or their settings, whether scheduled or not will not be permitted except in wholly exceptional circumstances where a clear and convincing justification can be demonstrated. Development that would harm locally important archaeological remains or their settings will only be permitted where the public benefits of that development are significant and can be demonstrated to outweigh the harm to the archaeological interest of the asset and its setting.
- 8.40 Officers note that archaeological evaluation works were undertaken at the site in association with application a previous outline planning permission (reference: S/2019/1948/OUT) which found no sub-surface archaeological remains that would warrant further archaeological works at the site. The proposal is therefore unlikely to affect underground heritage assets.
- 8.41 The proposal is therefore acceptable in terms of archaeology and Policy HE2.

Land Quality

- 8.42 Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes ensuring the remediation of contaminated land so as not to pose a risk to health and the environment.
- 8.43 Planning officers consider that it is unlikely that there would be land contamination on the site that would preclude development; however, having regard to the advice of the Council's internal specialists, a condition has been included requiring additional details to be submitted in relation to land quality.
- 8.44 The proposal is acceptable in terms of land quality and Policy BN9.

Flooding and Drainage

- 8.45 Policy BN7 of the west Northamptonshire Joint Core Strategy Local Plan (Part 1) states development proposals must comply with relevant flood risk assessment and management requirements. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test. All new development, including regeneration

proposals, must demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. The policy also states that all proposals for development of 1 hectare or above in Flood Zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority.

- 8.46 Policy BN7A of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development should use sustainable drainage systems, wherever practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.
- 8.47 The site is located in a Flood Zone 1 area and is not located near to a main river and is therefore not a significant risk of flooding. However, officers note the concerns that have been raised as part of the public consultation as well as the risk of surface water flooding. Officers have therefore required drainage details to be submitted by condition to ensure the proposal does not give rise to unacceptable water run-off or an increase in flood risk either on or off the site.
- 8.48 Subject to conditions, the proposal is acceptable in terms of flooding and drainage and Policies BN7 and BN7A.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development will be liable for CIL since it would include new dwellings, however CIL would be liable at the reserved matters stage when final design details are established.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 Officer are satisfied that the scheme accords with the relevant national and local policies and guidance and should be approved.

11 RECOMMENDATION AND CONDITIONS

- 11.1 To grant permission subject to conditions as set out below with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary.

- 11.2 A full list of conditions is provided below:

CONDITIONS:-

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Approved Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- 22-01-b3-04-XX-DR-A-0104_RevC_Proposed_Block_Plan (received: 02/03/23)
- 22-01-b3-04-XX-DR-A-0105_RevD_Proposed_Site_Plan (received: 02/03/23)
(Notwithstanding the Ground Floor Plan)
- 22 01 B3 04 Xx Dr A 0103 Reva Existing Block And Location Plan (received: 17/02/22)

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

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

Reserved Matters

3. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Construction Method Statement

4. No development shall take place [on any phase], including any works of demolition until a Construction Method Statement [for that phase] has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;
 - j) The mitigation measures recommended at (ADD REFERENCES) of the submitted Environmental Statement (DATE)

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

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Quality

5. 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 part 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 'Land Contamination Risk Management (LCRM)'

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 part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part 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.

Protected Species Check

6. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

Drainage

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

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy SS2 of the South Northamptonshire Local Plan Policy BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

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

Lighting

8. Details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy G3(A) and EV1 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

Parking

9. A plan detailing the proposed parking provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwelling. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

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

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

EV Charging

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

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan Part 2, and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Three Bedrooms

11. Each dwelling must have no more than three bedrooms, or rooms which could reasonably be used as bedrooms, each.

Reason: In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

CEMP

12. The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted 'Construction Environmental Management Plan: Biodiversity' by Cherryfield Ecology, dated 11th May 2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Native Planting

13. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason : To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

Permitted Development

14. Notwithstanding the provisions of Classes A-D (inclusive) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement, alteration or improvement of any dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

No Outbuildings

15. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Oversailing Windows

16. No ground floor windows/doors shall open out over the adjacent highway unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

Car Ports

17. Any car ports or undercroft parking on the site shall remain open fronted at all times and shall not be enclosed by doors, gates, barriers or bars in any way unless otherwise approved in writing by the Local Planning Authority.

Reason : In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

INFORMATIVES:-

CTMP

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
 - 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

Highways

2. Please note the contents of the comment from the Local Highways Authority which should be taken into account when preparing final design details at the reserved matters stage

Best Practice

3. 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.

Outline Permission - Plans

4. It should be noted that the submitted plans are illustrative and final design details would be dealt with at the reserved matters stage. The following plans are acknowledged as being purely indicative:
 - 22-01-b3-04-ZZ-DR-A-0207_RevB_Unit_1-3_Floor_Plans (received: 02/03/23)
 - 22-01-b3-04-ZZ-DR-A-0406_Rev-_Proposed_Streetscene (received: 02/03/23)
 - 22-01-b3-04-XX-DR-A-0105_RevD_Proposed_Site_Plan (received: 02/03/23) (The Ground Floor Plan)