



# Planning Committee Report

**Application Number:** WND/2022/1129

**Location:** Land adjacent to The Royal Oak Public House, Church Street, Naseby, NN6 6DA

**Development:** Demolition of stable building and construction of single dwelling including access.

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**Applicant:** Dr & Mr Lorimer

**Agent:** Mr S Tindle

**Case Officer:** Erica Buchanan

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**Ward:** Welford

**Reason for Referral:** Call in by Councillor Jonathan Harris for the following reason the development is located outside of the development limit of the village, it does not meet the defined circumstances for development as the Housing land supply currently is substantially above 5 years, the site does not meet a clearly identified local need and it will not support an essential local service.

**Committee Date:** 8<sup>th</sup> June 2023

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

**RECOMMENDATION:** REFUSE THE APPLICATION FOR THE REASONS DETAILED BELOW.

### **Proposal**

The application is for the construction of a detached property on Land adjacent to The Royal Oak. The proposal includes the construction of a new access

### **Consultations**

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

- Naseby Parish Council

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

- Highways
- Environmental Health
- Ecology
- Archaeology
- Nature Space



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2 letters of objections have been received and 1 letter of support has 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 Development
- Character and Appearance
- Housing Need
- Highways
- Residential and Local Amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is contrary to Local Plan Policies and is recommended for Refusal

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

## MAIN REPORT

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is a grassed area of land that lies on the northern side of Church Street which runs along the Southern and Eastern edges of the site. The site rises from the road and to the east of the site is the Royal Oak Public House and a small number of dwellings located beyond the site's northwestern tip and visible on the higher ground. The built-up area of the village extends to the south of the site on the opposite side of Church Street.
- 1.2 The application site is currently open with a stable on the northern most part of the site and when viewed from the road forms part of the wider open countryside surrounding the Village.
- 1.3 Most of the built-up area lies on lower ground than the application site. The site's topography therefore contrasts with the surrounding flatter, lower land on which the southwestern part of the settlement sits.

### **2 CONSTRAINTS:**

- 2.1 The application site lies outside of the Village Boundary.

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 Full planning permission is sought for the demolition of the existing stable building and the erection of a 5 bedroomed single dwelling, with ancillary garage and hardstanding.



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The proposed dwelling is two-storey, with an attached single storey element, situated towards the southern end of the plot.

- 3.2 The two storey element of the dwelling measures 20.5m in length and a width of 11.2. The single storey element is set at approximately 45 degree angle from the main dwelling and measures 10m in length and 9m in width. The ancillary triple garage measures 10m in length and 6m in width and is single storey.
- 3.3 The proposal includes vehicular access to the plot via the existing Church Street frontage,
- 3.4 The existing landscaping is to be retained, including the existing horse chestnut, and the proposal includes additional landscaping with native hedgerow and native tree planting.

## 4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/2014/0915	Outline application for residential development comprising 5 dwellings, estate road and associated works	Refused Appeal Dismissed
DA/1994/0975	Outline application for one dwelling	Refused

## 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

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 15<sup>th</sup> 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:



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- West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)
  - Policy SA – Presumption in Favour of Sustainable Development
  - Policy S1 – Distribution of Development
  - Policy S3 – Scale and distribution of Housing Development
  - Policy S10 – Sustainable Development Principles
  - Policy R1 – Spatial Strategy for Rural Areas
  - Policy R2 – Rural Economy
  - Policy BN2 – Biodiversity
  - Policy BN7 – Flood Risk
  - Policy BN9 – Planning for Pollution Control
  
- Daventry District Settlements and Countryside (Part 2) Local Plan (2019) (LPP2)
  - Policy SP1 – Daventry District Spatial Strategy
  - Policy RA2 – Secondary Villages
  - Policy RA6 – Open Countryside
  - Policy HO5 – Self-build and Custom Housebuilding
  - Policy HO8 – Housing Mix and Type
  - Policy ENV1 – Landscape
  - Policy ENV5 – Biodiversity
  - Policy ENV10 – Design

## 5.3 Material Considerations

- National Planning Policy Framework (NPPF)
  - Chapter 2 Achieving sustainable development
  - Chapter 5 Delivering a sufficient supply choice of homes
  - Chapter 9 Promoting sustainable transport
  - Chapter 12 Achieving well designed places
  
- Naseby Village Design Statement 2008
  
- Naseby Hosing Needs Survey 2021
  
- Housing SPD
  
- Parking Standards
  
- Self Build and Custom Housebuilding Act 2015

## 6 RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
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Naseby Parish Council	Object	<p>In summary, the Parish Council strongly objects to the application on the grounds that:</p> <ul style="list-style-type: none"><li>It does not comply with the approved Local Plan;</li><li>It lies outside the village confines envelope;</li><li>It will cause the loss of the open aspect of the neighbourhood;</li><li>Due to the elevated position of the proposed development in relation to the houses opposite will over dominate residents on Church street and have an adverse effect on the neighbours;</li><li>The height, scale of the development will have an adverse effect on the village and neighbours;</li><li>There are serious highway safety concerns;</li><li>The access proposed is considered inadequate with substandard visibility splays which would create dangerous conditions for highway users;</li><li>There have been significant archaeological findings relevant to the relationship of the original two ancient settlements of Nutcote and Naseby which require further significant investigation.</li></ul> <p>In 2016 an independent Inspector refused an appeal related to 5 houses on this site and there are great similarities with the current application. Naseby Parish Councils believes the case for refusal is stronger today following adoption of the Daventry Local Plan and requests that this application is refused.</p>
Newt Officer		<p>Summary - The development falls within the red impact risk zone for great crested newts. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence. - There are 7 ponds within 500m of the development proposal. The nearest pond lies approximately 14m west of the site. There is one other pond that is located within 250m of the site. - There is limited connectivity between the development and surrounding features in the landscape. - Natural England Standing Advice guidance for planning authorities advises that surveys on ponds up to 500m from development sites should be requested.</p> <p>Ecological Information The applicant has provided an ecological report,. Within this report it states that:</p> <ul style="list-style-type: none"><li>• A pond was located on OS maps approximately 10m from the site boundary. This pond was dry at the time of survey and a large quantity of nettle was growing in the basin. Large ash tree adjacent to the dry pond caused heavy shading of the basin. It is likely that this pond is terrestrialised and only holds water following very</li></ul>



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		<p>heavy rainfall. This pond is therefore not considered to be suitable breeding habitat for great crested newts. • The absence of ponds on site, and unsuitability of the only pond within 100m of the site, suggests that there is no reasonable likelihood of great crested newts being present. The value of the proposed development site for this group is Negligible and the impact of the proposed development is Neutral • It is not considered necessary to enter the NatureSpace District Licensing scheme for great crested newts given the lack of suitable ponds within 100m of the site boundary. • No mitigation is needed for great crested newts, because no significant impacts have been identified Conclusion and recommendation for conditions: I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. However, the applicant has only looked at ponds within 100m of the development site. The applicant has not surveyed the 6 ponds within 500m of the site, so the status of these ponds is currently unknown. Should great crested newts be present in these nearby ponds they may use the site during their terrestrial dispersal phase. The site is also located within a red impact risk zone and the site could consist of habitat that may be suitable for great crested newts including hedgerow corridors and ruderal vegetation. These habitats may provide suitable foraging and resting opportunities should great crested newts be in the surrounding landscape. Therefore, I recommend the use of the following informative: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.</p>
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WNC Ecology		<p>I'm writing in response to your consultation on the above application for a new dwelling on land at Church Street, Naseby. The large oak tree has high bat roosting potential however the site plans indicate that it would be retained in the proposal so I'm satisfied that activity surveys are not needed in this case.</p> <p>I note the ecology report refers to appeal decisions related to biodiversity net gain (BNG). These have since been superseded such that net gain must be demonstrated: in the absence of a specific local plan figure, 1% is considered policy compliant pending the 10% minimum which will come into force with the Environment Act secondary legislation. The applicant has not provided a net gain assessment so the proposal cannot be considered to comply with the most recent appeal decisions (APP/Y3940/W/21/3278256, APP/Y3940/W/21/3282365, APP/P1940/W/21/3289305). The council may consider this application to be <i>de minimus</i> and given council resources might not wish to pursue BNG on this site. That will have to be the council's decision but of course I am available to help if required.</p>
WNC Highways		<p>In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -</p> <p>Access The applicant has undertaken a speed survey to establish 85th percentile speeds on the approaches to the proposed vehicular access. This shows that acceptable splays can be achieved in the horizontal plane within land that is either highway or within the applicant's control. It is not clear, however, whether visibility is affected in the vertical plane due to the steep nature of the verge and land behind it as it rises within the site. It is necessary for all obstructions to visibility over 0.9 metres in height be removed from the visibility splays. The applicant is requested to provide details (cross-sectional) of the visibility splays to establish whether the ground impacts on the visibility within the plotted splays. Related to the above issue, no information is provided on the gradient of the proposed access. The LHA recommends that a vehicular crossover of highway verge has a maximum gradient of 1:33 and requires that the</p>



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		<p>first 5 metres of the access into the site from the highway boundary have a maximum gradient of 1:15. This requirement is made in the interests of both safety and accessibility. Steep accesses can prove to be difficult and dangerous to use in adverse weather (snow/ ice) with vehicles sliding out of an access into the path of passing vehicles and present problems for pedestrian access, particularly for pedestrians with mobility issues.. Please ask the applicant to provide information to address the above issues. Parking The site has adequate space for parking and turning</p> <p><u>Access</u> The applicant has provided the requested cross-sectional information for the visibility splays and the access, shown on Drawing No. K0009/P1. The LHA can confirm that the submitted information adequately addresses previous concerns and we have no further requests to make in respect of these matters. Please note that the applicant will be required to obtain a Section 184 licence from WNC Highways Regulations on receipt of a planning Consent in order to carry out works to the site access within public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a WNC Highways Approved Contractor, who has the required and necessary public liability insurance in place.</p>
<p>WNC Environmental Protection Team</p>		<p>The site is in close proximity to a public house and associated car park.</p> <p>If the Local Planning Authority is minded to grant permission conditions are recommended:</p> <p><u>Noise</u></p> <p>External and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines to be submitted</p> <p><u>Construction Phase</u> Construction Management Plan shall be submitted</p> <p><u>Land Quality</u></p>





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		<p>Contamination 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,</p> <p><u>Air Quality</u> Please could the applicant clarify what the development will have in terms of:</p> <ul style="list-style-type: none"> <li>• Electric vehicle charging points</li> <li>• Air and water heating/cooling systems to be installed</li> </ul> <p><u>Light</u> Prior to occupation, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority</p>
Archaeology		<p>The application site is located on the western edge of the modern settlement and on the north west side of Church Street. It lies within the area of the known historic settlement; earthworks of possible ponds, tofts and crofts are recorded in the field immediately to the north and west of the site. Archaeological evaluation trenching was undertaken at the site in 2014. This work recorded a range of sub-surface archaeological remains including several features of medieval date notably two sets of wall foundations associated with pottery dating to the 13th century. Sub-surface archaeological remains are known to survive within the application boundary and a number of questions remains following the evaluation works. Consequently I recommend a programme of mitigation measures are undertaken should the LPA be minded to consent the application. The proposed works do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of subsurface archaeological remains 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.</p>



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

- 7.1 Responses have been received from 2 objectors raising the following comments:
- Out of keeping with Character
  - Concerns of Vehicular access and Construction traffic from the public house car park
  - Concerns of construction traffic
  - Noise during construction
- 7.3 A response has been received from 1 supporter raising the following comments:
- Land not been used
  - Prefer to be used for positive than continued neglect

## 8 APPRAISAL:

### Principle of Development

- 8.1 Policy SA of the JCS states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
- 8.2 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
- 8.3 Policy S1 relates to the distribution of development and sets out a hierarchy specifying where development should be sited, especially primarily in and adjoining Northampton, and to a lesser scale the sub-regional town of Daventry, then rural service centres of Towcester and Brackley. R1 relates to residential development in the rural area.
- 8.4 Naseby is a Secondary Service Village as identified in Policy RA2 of the LPP2 where it states that development will be located within the confines of the village and that development outside the defined confines would only be acceptable in certain circumstances one of which where the land supply is less than 5 years and where development would clearly meet an identified need through an up-to-date Housing Needs Survey where it is demonstrated that this could not otherwise be met within the defined village confines.
- 8.5 Additionally, the policy states amongst other things that development inside or outside the confines shall be of an appropriate scale relative to its role, protect the form, character and setting of the village and protect the amenities of existing residents.

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## Character and Appearance of the Area

- 8.6 Policy R1 of the JCS sets out a number of criteria that development must meet in order to be acceptable.
- 8.7 Policy RA6 of the LPP2 recognises the intrinsic character, beauty and tranquillity of the open countryside and sets out the forms of development which will be supported in the open countryside. The application proposal does not fall with any of the development listed.
- 8.8 The adopted Village Design Statement (2008) (VDS) Landscape/Environment Ecology guidelines (VDS LE) sets out that, views into and out of and within the village should be protected. Additionally, VDS HD sets out that new housing on rising ground must not detract from village views.
- 8.9 It is considered that the application site provides an important part of the transition from the village confines to the open countryside.
- 8.10 The proposed dwelling is of a scale that does not reflect the form or character of the area and is located in a prominent position that would detract from the open countryside that the site currently makes a valuable contribution to the setting of the village.

## Housing Need

- 8.11 The application is for a self-build house and as such the applicants have stated that it meets an identified need in the Housing Needs Survey 2021 (HNS).
- 8.12 However the requirements set out in the HNS state that over the next 5 years there is an identified need for 5 affordable houses for rent from a housing association or local authority. 9 Households expressed a need for market housing with 2 of the respondents stating they would consider a self build. The maximum number of bedrooms identified in the HNS was for 4 bedrooms.
- 8.13 The Government defines self-build as a one-off home and lists the types of self build falling within the category. The Self-build and Custom Housebuilding Act 2015 and associated regulations introduced a duty on local authorities to keep a register of individuals and associations who have expressed an interest in acquiring land to bring forward.
- 8.14 The information submitted with the application indicates that the applicant is on the Councils register. Self-build housing can meet an element of the intermediate affordable housing requirement however the current application does not fall within the affordable housing category.
- 8.15 Policy H014 of The Housing SPD refers to Self-Build and Custom Build Housing states that the Council encourages the provision of self-build and custom-build housing as part of market housing and affordable provision. The application proposal is for a self-build market property.
- 8.16 Objective 9 - Housing of the LPP2 is to provide a range of housing in sustainable locations to ensure all residents have access to a home that they can afford and that



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meets their needs. Housing development will be focused at the most sustainable location of Daventry with limited development in the rural area to provide for local needs and support local services.

- 8.17 Whilst the proposal does fall within the category for self build as it is outside the village confines it would need to meet the housing need set out in the Housing Needs Survey. As there is not a need for a 5 bed house and there is not a need for self build it is therefore considered that the proposal does not meet the identified need set out in the HNS.

## Residential Amenity

- 8.18 Policy R2 and ENV10 seek to protect the amenity of occupiers of new and existing dwellings. It is not considered that the proposal would be detrimental to the amenities of neighbouring properties due to its space separation and location.
- 8.19 There is adequate amenity available for occupiers of the property.

## Highway safety and parking:

- 8.20 The proposal includes a new access onto Church Street and a speed survey was submitted which showed that acceptable splays can be achieved, and parking provision meets the standards and Highways are satisfied that the access is acceptable.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 This development is liable to pay the Community Infrastructure Levy (CIL).

## 10 Planning Balance and Conclusion

- 10.1 It is considered that proposed dwelling is contrary to local plan policies and is of a scale and size that is out of character with the properties in the immediate facility.
- 10.2 It lies within the open countryside and does not form part of the acceptable development identified in Policy RA6.
- 10.3 Whilst it is a self build it does not meet the identified needs set out within the Housing Needs Survey.

## **11 RECOMMENDATION**

- 11.1 It is recommended that planning permission is refused subject to the reasons as set out below with delegated authority to the Assistant Director – Planning and Environment to approve any amendments to those reasons as deemed necessary.
1. The proposed development would be in conflict with the spatial and housing allocation strategies set out in the relevant development plan as it would result in the encroachment of development into the countryside beyond the village confines and



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would have a detrimental impact on an important open space that makes a significant contribution to the setting of the village. Therefore the proposal fails to satisfy any of the other exceptional circumstances set out by Policy R1 of the adopted West Northamptonshire Joint Core Strategy 2014, Policy RA6 of the adopted Settlements and Countryside Local Plan (Part 2) for Daventry District 2020 and Paragraph 80 of the National Planning Policy Framework for new build residential development to be allowed in the open countryside. For the reasons stated, the proposed development is contrary to Policies SA, S1 (D1), S3 and R1 G) i) - v) (inclusive), S10 (i) of the adopted West Northamptonshire Joint Core Strategy 2014, Policies SP1 (G), RA6, RA2 (A) (B) (C) i and iii) of the adopted Settlements and Countryside Local Plan (Part 2) for Daventry District 2020; and Paragraphs 12, 80, 124 d) of the National Planning Policy Framework 2021.



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