



# Planning Committee Report

Application Number:	WND/2022/0930
Location:	Workshop and Premises East Haddon Road, Great Brington Northamptonshire
Development:	Change of Use of Existing Land from Commercial to Residential for the Construction of a Single Dwelling Including the Demolition of Existing Commercial Buildings (resubmission)
Applicant:	Clayson Country Homes Ltd
Agent:	Barry Waine Planning
Case Officer:	Erica Buchanan
Ward:	Long Buckby
Reason for Referral:	Call in by Councillor Phil Bignell due to the impact on setting of Grade 1 Listed Church, development outside the village and possible further development
Committee Date:	4 <sup>th</sup> October 2023

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director of Planning and Development to approve any amendments to conditions as deemed necessary.

### Proposal

The application is for the demolition of the existing commercial buildings and construction of a single dwelling including alterations to the access. The application is a resubmission of a recently withdrawn application for a similar scheme which was withdrawn to address concerns raised by statutory consultees.

### Consultations

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

- Brington Parish Council

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

- Highways

The following consultees are **in support** of the application: None

2 letters of objection and 3 letters of support have been received.

## **Conclusion**

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

The key issues arising from the application details are:

- Principle of Development
- Impact on Historic Environment
- Character and Appearance
- Residential and Local Amenity
- Highway Safety
- Biodiversity

**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 lies on the west side of the East Haddon Road, approximately 200m beyond the boundary of the Great Brington Conservation Area and the Grade 1 Listed parish church. The site measures approximately 55m by 75m and lies at a level substantially lower than the church. The northern two-thirds of the site is level, with the land starting to rise towards the southern boundary. A line of poplar trees marks the southern boundary, with a hedge and "tin" fence on its roadside boundary.
- 1.2 The site currently accommodates a collection of run-down buildings within its northern part of the site which comprises of 2 large buildings and some smaller ones. One of the buildings is agricultural in appearance. The established use of the site is for commercial purposes formerly being used for vehicles repairs. The site is currently overgrown as the site has been vacant for a number of years and as such there has been no recent commercial activities on the site.
- 1.3 The village of Great Brington sits on a plateau of higher land and is largely contained within the Great Brington Conservation Area. The Grade I Listed Church of St. Mary is sited nearby, on the edge of the ridge of land. When viewed from the north the church and the residential properties are visible and define the extent of the built development of the village.
- 1.4 The landform surrounding the site comprises of rolling and hilly landscape of rural character with a strong contrast between the lower land within the deeply rural area and the higher, built area of the village.
- 1.5 When approaching from the north, views of the edge of the village are available, some filtered by trees, but there is a clear definition. The application site sits within

a hollow and is largely hidden from the wider area, however it is visible when viewed from the Church and the edge of the conservation area.

## 2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application site lies within a Special Landscape Area (SLA), adjacent to Great Brington Conservation Area and within the Setting of the Grade 1 Listed Church and within the Setting of Ancient Monuments (Spencer Chapel within the Church and Great Brington Village Cross).

## 3 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/2008/0867	A Certificate of Lawfulness be issued in respect of: The use of land for the storage, maintenance and repair of vehicles and plant and use of buildings as workshops, office, stores and as a generator shed, on the basis of the attached plan. The storage of motor vehicles and plant (as defined under Use Class B8 of the 1987 Use Classes Order and its subsequent amendments,) being confined to the two outside areas outlined in blue on the site plan, and within Buildings C, F, G and H. The maintenance and repair of vehicles and plant and a generator shed (as defined under Use Class B2 of the 1987 Use Classes Order and its subsequent amendments,) being confined to the outside areas hatched on the site plan and within Buildings A, B and E. The ancillary office use being confined to Building D (as defined under Use Class B1(a) of the 1987 Use Classes Order and its subsequent amendments).	Approved
DA/2011/0637	Demolition of buildings/structures, cessation of commercial use and construction of dwelling	Refused
DA/2013/0972	Outline application for demolition of existing buildings and construction of four dwellings, revised access, new pedestrian footpath link, landscaping and associated works	Refused Appeal Dismissed
WND/2021/0615	Demolition of existing commercial buildings and construction of detached dwelling and garage and relocation of existing access.	Withdrawn

## 4 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a Listed Building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a Conservation Area.

### Development Plan

- 4.4 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:

#### West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LLP1)

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for Rural Areas
- R2 – Rural Economy
- BN2 – Biodiversity
- BN5 – Historic Environment and Landscape
- BN7 – Flood Risk
- BN9 – Planning for Pollution Control

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

- SP1 – Daventry District Spatial Strategy
- RA3—Other Village
- RA6 – Open Countryside
- ENV2 – Special Landscape Areas
- ENV7 – Historic Environment
- ENV10 – Design
- HO8 – Housing Mix & House Type

#### Material Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance Notes
- Great Brington Conservation Area Appraisal and Management Plan
- Bringtons and Nobottle Village Design Statement
- Biodiversity supplementary Planning Document
- Northamptonshire Parking Standards Supplementary Planning Documents
- Local Highways Standing Advice for Planning Authorities (June 2016)

## 5 RESPONSE TO CONSULTATION

5.1 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
Brington Parish Council		<p>Following detailed and careful consideration of the above application by Brington Parish Council (BPC), I am writing to record BPC's objection to this development.</p> <p>BPC also expresses its request that this application be considered by the Planning Committee of West Northants District Council rather than under any delegated authority given the concerns raised in paragraph 1 below on the apparent absence of consideration in this application of a planning policy document which appears most relevant to the considerations of impact on the setting of a Grade 1 heritage asset.</p> <p><u>Grounds of Objection</u>  <b>1 Impact on the setting of St. Mary's, Gt. Brington</b></p> <p>The application has not seemingly taken into account the Conservation Area Management Plan for Great Brington (the "Plan") adopted in March 2021 (copy attached). BPC is concerned that no reference is made to the Plan in the Heritage Impact Assessment Report prepared by KDK dated October 2021 or the Planning Report prepared by Barry Waine dated October 2022. We understand that this Plan, prepared by Daventry District Council, is a Supplementary Planning Document and is a material planning consideration in the determination of subsequent planning decisions.</p> <p>The Plan (p8) states that "The special interest of the Great Brington Conservation</p>

		<p>Area derives from the following key characteristics....." which include "other excellent views out to the surrounding landscape due to the village's elevated position....." and "The historic Church of St. Mary's is a key local feature within the village.."</p> <p>This application relates to a development in the open space designated as "OS13" in the Plan (pages 39 and 40) which is described as "an agricultural plot to the north of St. Mary's church". This plot is said to "make a significant contribution to the character and appearance of the conservation area"; "the field's current form and extent is largely visible on the copied estate map of 1748"; and "it sits in a sensitive position to the north of St. Mary's Churchyard and its rural character contributes to the setting of the Grade 1 listed church, and views of the countryside"</p> <p>The view to the north west across fields from St. Mary's (V23 on pages 28 and 32 of the Plan) is specifically identified as an "important view from the conservation area"</p> <p>We have enclosed a photograph taken through the North door of St. Mary's which BPC understands to have been taken during a church function in Summer 2022 when that door was open to enjoy this aspect. The existing buildings proposed for demolition clearly feature in that aspect as would the proposed development. BPC acknowledge the dilapidated state of the existing buildings and differing views within the Parish as to their current impact on this aspect – on balance, however, BPC has concluded that the existing barns are more consistent with the "agricultural plot" and "rural character" of this open space and aspect than a residential development, notwithstanding sensitivity of design and materials, and that there would accordingly not be an improvement to rebut a presumption against development outside of the village under Policy RA3. BPC considered the effectiveness of existing or supplementary tree screening – this is partial and seasonal and further screening is expected to take time to establish and</p>
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		<p>potentially further impact the agricultural plot and/or countryside views referenced in the Plan</p> <p>Our objection has also been influenced by a consideration of the view South to St. Mary's from the East Haddon road (V2 in the Plan on pages 27 and 29). BPC acknowledge that the proposed development sits in a hollow but it is a "dark space" outside the village below the church currently without any lit development or electrical connection. The floodlit nighttime view of St. Mary's elevated above the approach from the North along the East Haddon road is a particular feature of the V2 view and setting of St. Mary's. Whilst we presume that floodlighting of the development could be restricted by planning conditions, we considered that lighting from this development would still adversely impact "allowing the significance of this heritage asset to be appreciated" for the purposes of the Historic England guidance (Historic England, The Setting of Heritage Assets 2<sup>nd</sup> Edition 2017, p10).</p> <p><b>1. Development outside of the village</b></p> <p>As above, BPC were generally of the view that development outside of the village envelope would be contrary to planning policy, adversely impact the contained estate village character of Gt. Brington and its conservation area and set a harmful precedent. As also set out above, BPC were not persuaded of a net improvement to the setting of St. Mary's outside of the village.</p> <p>BPC noted that the latest application for this development differed from the last application with the removal of a proposed pedestrian access to the village through the orchard ("<b>Orchard</b>") forming part of the title of the development property to the south of the proposed development. BPC had previously expressed concerns with safety aspects of that proposed access onto a road with no footpath on a corner with poor visibility. The absence now of pedestrian access, however, did raise questions on sustainability and emphasised the disconnection of this</p>
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		<p>development from the village with only safe access by road vehicles.</p> <p><b>2. Further development</b></p> <p>Linked to the impact assessment on St. Mary's in para 1 above, BPC was concerned with the risk of further development including garaging at the development (which we considered under-provided in the current scheme) and particularly the risk of additional development in the Orchard. The latter is a particular sensitivity given its proximity to the church. That sensitivity on further development is acknowledged by the applicant with reference to proposed restrictive covenants to supplement ordinary planning controls. The position as regards the proposed beneficiary of those covenants is, however, less clear. BPC's position is clear – we would advocate that supplemental protection in the form of a restrictive covenant or contractual restriction on disposal registered on the title should, were the development to proceed, be given to an independent body which is free of potential commercial conflict and which represents local interests within the Parish for the protection of the key heritage asset in the Conservation Area. In the absence of any such protection in favour of the Church or other public body or landowner willing to assume such benefit, BPC had tabled a proposal for a restriction in favour of BPC, should that become relevant and which has been rejected. We would be concerned with any development proceeding at the site without the benefit of such protection or equivalent. A covenant restricting further development held by or for the benefit of an applicant who is currently seeking to develop the site is clearly of little comfort given the risk of future waiver for commercial gain. Should it be relevant, BPC would also expect permitted development rights to be removed in connection with any permission for the proposed development. BPC has considered the certificate of lawful use issued previously in respect of past use of the property and the absence of other consents. Whilst BPC could envisage applications for commercial</p>
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		<p>development or residential schemes less appealing than the current application, we believe we can only consider each application on its merits and similarly rely on the checks of any future planning process.</p> <p>We have not concluded, therefore, that this is reason to override the assessments made of the current proposal.</p>
East Haddon Parish Council		<p>East Haddon PC considered this application at their meeting last night and have no comments or observations to make. They did wish to raise this WND that they felt this fell outside of the village boundary, and was not their application to comment on.</p>
Historic England		<p>Historic England provides advice when our engagement can add most value. In this case we are not offering advice. We suggest that you seek the views of your specialist conservation and archaeological advisers.</p>
WNC Conservation		<p>The application site lies in open countryside to the north of the Great Brington conservation area. The Conservation Area Appraisal and Management Plan identifies the site as part of an agricultural plot (OS13) that makes a significant contribution to the character and appearance of the conservation area. It sits in a sensitive position to the north of St Mary's Churchyard and its rural character contributes to the setting of the grade I listed church, and views of the countryside.</p> <p>The CAAMP identifies inappropriate development – both piecemeal and large-scale development within the village and at its fringes - as a threat which has the potential to harm the character of the conservation area as well as its setting:- <i>Change of use of existing establishments and facilities has the potential to have a harmful impact upon the conservation area and its setting. It is noted that, within Great Brington, this principle is particularly applicable to agricultural structures and premises where the potential effects of repurposing and the ancillary activities associated with changes of use have the potential to cause harm to the character and appearance of the conservation area and its setting. This is particularly pertinent</i></p>

		<p><i>to changes of use which would lead to or entail the following:</i></p> <ul style="list-style-type: none"> <li>· <i>Alteration to existing buildings which would detract from their existing character, or the character and appearance of the wider conservation area or its setting;</i></li> <li>· <i>The demolition of buildings or structures which make a positive contribution to the conservation area or its setting as identified in the conservation area appraisal or planning process;</i></li> <li>· <i>Change of use which would see an increase in traffic, particularly of industrial vehicles, which could damage grass verges and have an impact on the village's currently quiet, rural character through noise pollution or unsightly parking;</i></li> <li>· <i>The impact of noise or light pollution or night-time activity which could detract from the quiet, rural character of the conservation area;</i></li> <li>· <i>The upgrading of highways in order to facilitate heavier traffic which would see the removal, in part or whole, of historic hedgerows, boundary walling or traditional grass verges.</i></li> </ul> <p><i>These circumstances could threaten the character and appearance of the conservation area and its setting.</i></p> <p>The site has previously been the subject of a planning application for 4 dwellings DA/2013/0972 appeal reference APP/Y2810/W/14/3001057, which was refused by the LPA and dismissed on appeal. The appeal inspector considered that the 4 detached houses, which would be spread over the whole of the site, would exceed the existing extent of built form on the site and would have a suburbanising impact. The negative impact of this was considered to outweigh the benefits of removal of the existing untidy commercial use. The setting of the village would be compromised by erosion of the distinctly rural character of the surrounding area, which provides a strong contrast to the elevated built form of the village. The overall negative effects arising would not preserve the setting of the grade I listed Church of St Mary. Given the isolated</p>
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		<p>location of the site away from the main village and without easy/accessible footpath link the proposal was considered to be an unsustainable development.</p> <p>There was a subsequent proposal for an I-shaped range of buildings, which would provide a single dwelling of large footprint with substantial ancillary/guest wing situated in the approximate location of the existing buildings and sheds on the site (application ref. WND/2021/0615). The extent of proposed built form on the site was much reduced from the previous scheme, and the design reflected many features of traditional farm building groups in the local area. However, it was my opinion that the overall scale of the proposed buildings and the relative positions/heights of floors and window proportions, etc. were oversized, and would have resulted in the buildings being more imposing than they should be. The proposals were revised in response to these comments. The ridgelines were dropped down in height, dormers omitted and the size of the largest glazed openings in the elevations were reduced. A proposed new building against the highway edge at the front of the site was also omitted.</p> <p>In terms of landscaping between the application site and the village, a proposed pedestrian route that was shown to travel through the orchard with a 1.5m x 5m hard paved refuge area at the roadside on a prominent corner of the site was omitted in response to my concerns about the harmful impact to the rural character of the site.</p> <p>The current proposal appears to have retained all of the amendments previously identified under ref. WND/2021/0615. <u>I therefore have no objections to application ref. WND/2022/0930 on heritage grounds.</u></p> <p>I would repeat my previous requests for careful design and long term management of landscaping over the whole of the red line site, including keeping the “orchard” land as green/open space, which would help to maintain the setting of the village and Church, (the orchard area would need</p>
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		<p>to be kept free from built form and other domestic/garden paraphernalia and intensive grass cutting regimes, etc. in order to maintain its open countryside character and appearance) and replanting/reinforcing hedgerows within and at the boundaries of the site with a mix of native species to match the existing. I assume this could be controlled by condition of any permission that is granted.</p> <p>Conditions should also be used to ensure high quality and sympathetic materials and finishes and any boundary treatments, and to withdraw PD rights for alterations to the buildings and boundaries, etc. to ensure that future proposal for change are appropriate to their context and setting.</p>
WNC Archaeology		No Comment to make.
WNC Ecology		<p>I'm writing in response to your consultation on the above application for redevelopment of a workshop site at East Haddon Road, Great Brington. I note that this is a resubmission of the withdrawn WND/2021/0615, for which badger and great crested newt surveys and a net gain assessment were requested. A badger survey report has been submitted with the new application, and I'm satisfied that badger impacts can be mitigated through precautionary working methods set out in the survey report.</p>
WNC Highways		<p>In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: - The LHA are, generally, opposed to residential developments in locations considered to be unsustainable in terms of transport, where most trips will require the use of private motor vehicles. Consideration does, however, need to be given to the fact that the site and buildings currently benefit from B2/ B8 permission, and it would be reasonable to conclude that the replacement of this use with a single dwelling will not result in an unacceptable impact on the highway. The relocation of the site access is noted and supported. This moves the vehicular access closer to the 30mph speed limit and affords improved visibility to the north. As the</p>

		applicant has already noted, the closure of the existing access will require any hard surfacing being broken out and the highway verge returning to grass. A planning condition is requested requiring the existing site access being permanently closed off as detailed on drawing No. GB003 Rev.E prior to first use of the new access. This is to ensure compliance with WNC Highways policy of a single dwelling having no more than one vehicular access off the public highway. Requirement for Section 184 Licence 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 within the public highways to close off the existing and construct the proposed site access. 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.
WNC Environmental Protection Team		No Comments.

## 6 RESPONSE TO PUBLICITY

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

### 6.1 There have been 2 objections raising the following concerns:

- Anti-social behaviour Impact on setting of Grade 1 Church
- Development outside the village
- Special Landscape Area
- Possible further development
- Over Development
- Impact on Wildlife
- Previous schemes have been rejected

There have been 3 letters of support for the following reasons:

- Replaces Eyesore
- Proposed dwelling is of considerable quality and Character
- Doesn't set a precedent for further development outside village boundary
- Current trees are left
- Only one domestic dwelling on site

## 7 APPRAISAL

- 7.1 The determining considerations of the application are the principle of the proposal, the impact on the historic environment, character and appearance, including effect on the special landscape area, impact on the amenity of the neighbouring properties, impact on highways and biodiversity.

### Principle of Development

- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 Policy R1 of the JCS is concerned with a spatial strategy for the rural areas and refers to how development outside the existing confines will be permitted and criterion i) of the last part of the policy states that residential development would be acceptable if it would result in environmental improvements on a site Including the re-use of previously developed land and best practice in design and criterion iii) references Community involvement as set out in the submitted Community Involvement Report.
- 7.6 Policy RA6 of the DDSC Local Plan (Part 2) sets out the requirements for acceptable development in the open countryside and specifically in relation to the current proposal is set out in i) agricultural workers dwelling and iii) Individual dwelling of exceptional quality or innovative design. As the proposal is not for an agricultural workers dwelling consideration would need to be given as to whether the proposal meets the exceptional quality or innovative design.
- 7.7 The site is located within the open countryside close to Great Brington, which is designated as an "Other Village" in the LPP 2 where policy RA3 applies. Whilst it would fall outside the confines using the criteria in table 3 of the LPP2, it is not an isolated location and would be within walking distance of the village and its facilities. The proposal however does not fall into one of the three forms of development which would be supported outside the confines under policy RA3 B.
- 7.8 Alongside policy R1 of the JCS the proposal will also need to meet all of the relevant criteria under RA3 C, of which iii), iv) and the provisions of policy ENV7 (Historic Environment) should be considered due to potential impact on the conservation area and heritage assets; and ENV2 in terms of impact on the SLA.
- 7.9 There is both compliance and conflict with the development plan. Therefore, the acceptability of the principle hinges on whether it is considered to be an exceptional/innovative design and then whether it can meet the requirements of the other policies.

## Impact on Historic Environment

- 7.10 With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment.
- 7.11 Paragraph 190 requires that local planning authorities set out a positive strategy for the conservation and enjoyment of the historic environment and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.12 Paragraph 199 advises great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification.
- 7.13 Paragraph 200 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset.
- 7.14 Paragraph 201 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.15 Paragraph 206 states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 7.16 Paragraph 207 informs that not all elements of a conservation area will necessarily contribute to its significance.
- 7.17 The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that Conservation Areas should be protected from all development which does not enhance or positively preserve.
- 7.18 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character by appearance, or by development which leaves character and appearance unharmed.
- 7.19 Policy ENV7 of the LPP2 requires proposals to demonstrate a clear understanding of any potential impact on the significance of heritage assets. As such the application was submitted with a heritage Impact Assessment that assesses the impact of the development on the Listed Church, Conservation Area and the Scheduled monuments.
- 7.20 The application site is clearly visible from both the church and the Conservation Area and is therefore contributory to its setting and consideration of the application has to be given to the views and vistas from both the Conservation Area and the Parish Church. The main views are of the surrounding landscape that contributes to its

setting and the important view identified in the Conservation Area Management Plan (CV2) would not be altered or harmed as a result of the proposal.

- 7.21 The site also lies in an area identified in the CAAMP as OS13 and the description is given as an agricultural plot that makes significant contribution to the character and appearance of the conservation area and its rural character and contributes to the setting of the Grade I listed church and views of the countryside. The existing site however cannot be considered as being of agricultural in nature nor contributing to the rural character of the area. However, the proposed dwelling which reflects a cluster of barns is considered to be more in keeping with this open aspect. Additionally, the proposal would remove dilapidated buildings that don't make a positive contribution to the Conservation area or Church by vista or by setting.
- 7.22 The proposed dwelling gives the appearance of a traditional brick built barn that has been converted to residential use. Following the withdrawal of the previous application the proposal has been amended to take on board the comments made from the Conservation Officer and the scheme submitted is in accordance with these comments by reducing the overall height of the building, removing dormer windows and reducing the size of the largest glazed openings, removed a detached garage and a formal pedestrian route through the site to the village. It is also noted that the Conservation Officer has not objected to the current proposal nor have they raised any issue based upon Conservation grounds.
- 7.23 It is therefore considered that the proposal contributes to the long vista identified in the Great Brington Conservation Area. Additionally it is considered that the proposal would not harm the openness of the area. The proposal therefore complies with policy ENV7 of the LPP2.

#### Character and Appearance of the Area (Including Special Landscape Area)

- 7.24 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. Criterion vi) gives support to existing buildings that respect their form and character. Policy ENV2 offers protection to Special Landscape Areas and states that "The Council will consider the impact of proposals on the special qualities of the Special Landscape Areas, including cumulative impacts, and will resist proposals that would have a harmful effect on their special qualities that cannot be successfully mitigated".
- 7.25 There is clearly a balanced judgement to be made between the effects of the lawful commercial use of the site and the proposed redevelopment. The proposed dwelling is restricted to the area currently occupied by the existing buildings and has been designed to reflect a cluster of brick built agricultural barns. The current buildings on site comprises a brick-built barn with corrugated roof, corrugated metal sheds and open sided wooden sheds and along with the corrugated boundary treatment it is considered that these cluster of buildings do not reflect the special qualities of the special landscape area.
- 7.26 It is considered that the proposed dwelling has an agricultural character in that the design of the dwelling has the appearance of a barn conversion which is considered to be appropriate to its surroundings. The impact on the character and appearance of the area including the Special Landscape Area are therefore considered to be acceptable in this instance.



- 7.27 There is a line of poplar trees which define part of the boundary to the site and are to be retained. Additionally there would be no development on the pasture area south of the poplar trees on the area called the "Orchard"
- 7.28 In terms of the view from the Church the existing buildings give the appearance of dilapidated agricultural structures which has some negative effects on the surrounding area, although it is not prominent in the landscape to the north. In views from the village, including from the Church, due to the distances involved, the site is seen as one small component in the wider rural landscape. The eye is drawn to it due to the presence of the buildings and the overgrown nature of the site.
- 7.29 It is therefore considered that the proposal provides an improved appearance and opens up the long views from the conservation area and church and retaining the open countryside vista and as such complies with policies RA6 and ENV 2

#### Residential Amenity

- 7.30 Policy R1 (D) and ENV10 viii) seek to protect the amenity of occupiers of new and existing dwellings. The nearest residential property is further south on the edge of the village and away from the application site. Due to the distance and intervening landscaping it is not considered that the proposal would harm the residential amenity of neighbouring properties in terms of overlooking and loss of light.

#### Highway safety and parking:

- 7.31 The proposal includes the relocation of the access moving it closer to the 30mph speed limit and provides improved visibility to the north.
- 7.32 The existing access would be closed off with the existing hard surfacing being removed and the verge returned to grass.
- 7.33 The Highways officer has not objected to the proposal and has taken into consideration the vehicular movements from the lawful use of the site compared to the proposed residential use.
- 7.34 The proposal includes an attached single garage however additional parking would be available in the courtyard.

#### Biodiversity

- 7.35 The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council has a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 7.36 In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:

- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 7.37 Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others):  
a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 180 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 7.38 Paragraph 183 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 7.39 National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 7.40 Policy NE3 of the LPP2 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.
- 7.41 Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gain
- 7.42 Policy BN2 of the JCS 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.

- 7.43 The application is supported by an ecological survey where it has identified protected species and hedgerows and recommended further surveys to be carried out. The main concerns raised by the WNC Ecologist was regarding the presence of Great Crested Newts and in the absence of a GCN report confirmation was needed of the intention to use the Councils district newt license.
- 7.44 The applicants have submitted a report to Naturespace as part of the application for a License and the report has been submitted to form part of the application. Conditions have been recommended in accordance with the report.
- 7.45 In respect of the nett biodiversity gain this has been incorporated into the landscaping scheme.
- 7.46 Therefore with the mitigating measures along with the relevant conditions it is considered that the proposal complies with the Policies in relation to Biodiversity and Landscape.

## **8 FINANCIAL CONSIDERATIONS**

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

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed dwelling is considered to be of an exceptional design that reflects the agricultural character of this location that would not harm the setting of the heritage assets nor the Special Landscape Area.
- 9.2 The proposed dwelling would result in environmental improvements by way of removing the existing dilapidated buildings and to replace with a single dwelling that reflects the agricultural nature of the area by way of giving the appearance of a cluster of barns.
- 9.3 The proposal would replace the existing corrugated boundary fencing with native trees and hedges and a traditional wooded four bar fence that reflects the rural character of the area.
- 9.4 It is therefore considered that overall, the scheme complies with the policies set out in the local plan

## **10 CONDITIONS**

### Time Limit

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

#### Approved Plans

2. The development shall be carried out strictly in accordance with drawing GB001 rev C, GB002 rev C, GB001a rev E, GB004 rev A , GB005 rev b, GB006 rev A , registered valid 7<sup>th</sup> October 2022

Reason: To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.

#### Materials

3. Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be provided on site for inspection by the LPA. Only the materials as approved in writing by the Local Planning Authority shall be used on the approved development.

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.)”

#### Permitted Development removal

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A to E inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.

Reason: To ensure that the appearance of the approved development within a Special Landscape Area and within the open countryside is not harmed by subsequent unsympathetic permitted alterations and in the interest of residential amenity.

#### Water Restriction

5. The dwelling hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).

Reason: In the interests of sustainability and water efficiency.

### Landscaping

6. Prior to first occupation a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and accompanied by an updated Biodiversity Impact Assessment using the DEFRA Biodiversity using the Small Sites Metric version 4.0 to correspond with the habitat creation and management to demonstrate a measurable biodiversity net gain. The landscaping scheme should incorporate a schedule of landscape maintenance details for a minimum of 5 years. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule

Reason: In the interest of visual amenity.

### Access Arrangement

7. The existing access to the site shall be permanently closed off as detailed on drawing No. GB003 Rev E prior to the use of the new access

Reason: In the interests of public and highway safety and to ensure that a single dwelling has no more than one access of a public highway.

### Biodiversity

8. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "East Haddon Road, Great Brington: Impact plan for great crested newt district licensing (Version 1)" dated 20th October 2022.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112.

9. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

### Contamination

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has been previously been submitted to and approved in writing of the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any of the development begins. If any contamination is

found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason: It is necessary to ensure that potential risks from contamination have been fully assessed before any development commences so that it can be dealt with from the outset in the detailed design of the proposed development.

11. If during the course of the development, any contamination is found which has not been identified in the site investigation; additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall thereafter incorporate the approved additional measures.

Reason: It is necessary to ensure that potential risks from contamination have been fully assessed before any development commences so that it can be dealt with from the outset in the design of the proposed development.

