

**Application Number:** WNS/2021/0209/FUL

**Location:** 46-48 High Street, Harpole, Northamptonshire, NN7 4BS

**Proposal:** Proposed conversion of the Bull Public House including demolition of single storey side extension to form a residential dwelling. Development of pub car park to provide two detached houses and associated garages/parking and amenities space.

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**Applicant:** Mr Terry O'Sullivan

**Agent:** None

**Case Officer:** Samuel Dix

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**Ward:** Bugbrooke

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**Reason for Referral:** Called-in by Cllr. Adam Brown

**Committee Date:** 05/08/2021

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

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The proposed development comprises the change-of-use of The Bull public house in Harpole to a dwellinghouse and the erection of two detached dwellinghouses in its car park to create a total of three dwellings along with associated works including parking, access, and gardens.

### **Consultations**

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

- Harpole Parish Council;
- Economic Development;
- Local Highway Authority

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

- Building Control;
- Northants Police Crime Prevention Design Advisor
- Environmental Health;
- Archaeology;
- Conservation.

5 letters of objection have been received and 1 letter of support has been received. 2 further letters commenting on the proposal have also 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 and heritage;
- Residential amenity;
- Highway safety.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to the conditions outlined in the recommendation at the end of this report.

**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 comprises The Bull public house in Harpole as well as its car park. The Bull is a two-storey building with a typical village pub appearance that has been extended in various ways over the years. It is located towards the southern end of High Street in Harpole, near the junction with Park Lane. In total the pub and its car park extend to 0.17Ha. The principal part of the pub is understood to date back to 1901 and, whilst not listed, the building itself is considered a non-designated heritage asset and along with the wider site is located within the Harpole Conservation Area.
- 1.2 The pub's car park is located to the west of the building and runs parallel with the High Street. It is accessed on the junction with Park Lane and sits around 1.5m higher than the surrounding roads with a slight ramp at its entrance as well as steps down to the pub at its eastern end. Between the car park and the High Street is a grass bank fronted by a stone wall, which has various shrubs and small trees growing above it. The site is surrounded in all directions by residential properties.

### **2. CONSTRAINTS**

- 2.1. The application site is within the village confines of Harpole and also within its Conservation Area. There is a Grade II listed building directly opposite on the High Street (Kingsley House) and two more listed buildings slightly further to the west (6 Park Lane and The Old Dairy, both also Grade II listed). The site is within 2km of 3no. Local Wildlife Sites. There are no other constraints affecting it.

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

- 3.1. The development is for the conversion of the existing pub building and the erection of two detached dwellinghouses within the current car park area. External alterations to the

existing pub building are relatively minimal, most significantly comprising the removal of certain modern extensions to the rear and side. Access to the converted pub (plot 1) will be via an existing access point on the north eastern boundary of the site, with parking and turning to the rear and the existing pub garden becoming the private outdoor area for plot 1.

- 3.2. Plots 2 and 3 both comprise two-storey house-types of traditional appearance. They will be finished in ironstone with slate roofs and have four-bedrooms. Each plot is proposed to have its own access off High Street and Park Lane respectively, with double garages, in front of which will be two independently accessible parking spaces and space for additional parking/visitor parking behind and space to turn so that all cars can exit in a forward gear. They each have gardens to the rear as well as curtilage to their frontages that, whilst private, will serve a degree of purpose within the public realm as landscaping.

#### 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2021/0179/FUL	Conversion of The Bull Public House and Demolition of Single Storey Side Extension to form residential dwelling. Development of Pub Carpark to provide Four Semi Detached houses and associated Garages/Parking and amenity Space	Withdrawn 03/03/2021

- 4.2 The above application was withdrawn earlier this year after Officers raised significant concerns about the design and scale of the proposed dwellings. A full explanation of how the proposals have evolved will be presented at the committee meeting.
- 4.3 The applicant also undertook pre-application advice in April 2020 under reference P/2020/0104/PRW.

#### 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.

##### Development Plan

- 5.2. 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, 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)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- RC2 – Community Needs
- H1 – Housing Density and Mix and Type of Dwellings
- BN5 – The Historic Environment and Landscape
- R1 – Spatial Strategy for the Rural Areas

South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. 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
- INF2 – Community Facilities
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- HE7 – Non-Designated Heritage Assets

Harpole Neighbourhood Plan (HNP)

5.5. The relevant policies of the (HNP) are:

- H1 – New Housing in Harpole Village
- H3 – Design Principles
- H4 – Development within Harpole Conservation Area
- H13 – Protection of Existing Community Facilities

**Material Considerations**

5.6. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- District 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, via the online Planning Register.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Harpole Parish Council	Object	<i>The amended plans show improved access to Plot 4 (this should read as plot 3 which has had an improved access), but have not addressed the other plots, with Plot 1 still having no visibility to the right. This area was seldom used for vehicles</i>

		<p>and is clearly not suitable as a residential driveway. The Traffic Survey appears to be a cynical exercise carried out when there was little chance of traffic issues (especially during lockdown) and designed to support the limited visibility splays proposed. The Parish Council still objects to the significant loss of a valuable community asset which has been justified by the developer using a flawed Viability Report and a half-hearted marketing effort where offers were turned down with no attempt at negotiation. The Viability Report claims that the attractive, vibrant expanded village with a total population of approximately 1,600 is insufficient to support three pubs, but fails to take account of over 3,000 houses planned within the parish, with relatively few community facilities.</p>
Local Highway Authority	Comment/Object	<p><b>Bull Public House conversion (1)</b>  The LHA notes the inclusion of the pedestrian visibility splays and lowering of the wall to a maximum of 0.6m; however after reviewing additional views of this access would be in a position of objection due to the severely reduced inter-vehicular visibility splays. The applicant will be required to re-configure their site layout to remove this issue; possibly looking at a shared access for plots 1 &amp; 2 thus reducing the number of accesses off the highway.</p> <p><b>Plot A (2)</b>  The LHA notes and is in favour of the repositioning of the boundary wall to achieve the required vehicular visibility splays; this parcel of land will then become publically maintained highway land and will need to be dedicated as such. Any planting of bushes or vegetation must be of a species that is no more than 0.6m when mature; this should be conditioned to ensure the required visibility is maintained</p> <p><b>Plot B (3)</b>  The LHA notes the inclusion of pedestrian visibility splays; a turning space for vehicles and swept path analysis and has no further comments in relation to this plot.</p>
Economic Development	Object	<p>Having reviewed the information presented in this application from an Economic Growth perspective, I can confirm that I object to this proposal, on the basis of the following:</p>

		<ul style="list-style-type: none"> <li>• Reduces business growth and investment into the district.</li> <li>• Reduces local offering of commercial premises .</li> <li>• Reduces local employment opportunities</li> <li>• Does not allow for diversification of local business offer .</li> <li>• Given the current circumstances, it is also prudent to recognise the concerns expressed by CAMRA in the attached letter, outlining an appeal to local authorities to protect community facilities like pubs. Further evidence is requested for the original valuation of £350k for the site, and to show if other valuations were sourced.</li> </ul>
Building Control	No objection	
Northants Police Crime Prevention Design Advisor	No objection	
Environmental Health	No objection	Subject to conditions
Archaeology	No objection	Subject to conditions
Conservation	No objection	The revised elevational treatment better reflects the vernacular style of the area and are considered an improvement on the original submission.

## 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 5 objections/letters of support raising the following comments:

- Flaws in marketing;
- Highway safety;
- Residential amenity;
- Positive design in the Conservation Area.

7.2. Two further comments have been received supporting the principle of development in this location but proposing affordable housing instead.

## 8. APPRAISAL

### Principle of Development

8.1. The application site is within the settlement confines of Harpole and therefore, in principle, is a suitable location for residential development and is consistent in principle

with Policies S1 and R1 of the Joint Core Strategy, Policies SS1 and LH1 of the Part 2 Local Plan, and Policy H1 of the Harpole Neighbourhood Plan. The creation of three new residential dwellings is also considered to be an appropriate scale of growth and will not be unsustainable in respect of the spatial strategy nor place undue strain on local infrastructure. It should also be noted that the site comprises previously developed land, the effective reuse of which is supported by chapter 11 of the NPPF as well as both the Local Plan and Joint Core Strategy.

- 8.2. The fundamental consideration in assessing the principle of development instead rests on the loss of the existing public house. In planning policy terms, pubs are community facilities, not a commercial/employment use, and therefore their loss needs to be assessed against Policy RC2 of the Joint Core Strategy, Policy INF2 of the Part 2 Local Plan, and Policy H13 of the Harpole Neighbourhood Plan rather than the equivalent policies that apply to the loss of employment sites. The objection from the economic development team is therefore given very limited weight in the assessment below.
- 8.3. Each of the relevant policies essentially have the same objective in ensuring that community facilities are only lost where they are demonstrably unviable, have been marketed without sufficient interest, or where alternative provision is made. The policies do, however, vary in their prescriptiveness, with the overall effect of each being summarised as follows:
- 8.4. Whilst covering 'Community Needs', the wording of Policy RC2 of the JCS does not specifically mention pubs. It is instead mostly concerned with new provision and the protection of open spaces and sports facilities. It simply states that the loss of facilities will be resisted unless it can be demonstrated that there is evidence of provision of a replacement facility, or; the proposal will bring about community benefits outweighing the loss, or; if open space is surplus. It is considered to have limited weight in assessing the current proposal, bearing in mind the other policies below are more directly applicable.
- 8.5. The relevant part of Policy INF2 of the Part 2 Local Plan is detailed verbatim below for clarity as it directly applies to the current proposal:

*4. Development proposing the change of use or loss of land or premises either currently or last used as a community facility will only be permitted where it can be demonstrated that:*

  - a. a replacement facility of equal or greater value is provided in the locality; or*
  - b. the use no longer serves the needs of the community in which it is located and the site or facility has marketed for an alternative community facility via a marketing exercise or such process agreed with the council; or*
  - c. the use is no longer financially viable and site or facility has marketed for an alternative community facility via a marketing exercise or such process agreed with the council.*
- 8.6. The inclusion of 'or' at the of each criteria under section 4 of the policy means that only one such circumstance needs to be demonstrated in order for the loss of the community facility to be acceptable. In this instance, criteria 4a regarding replacement facilities is not relevant. It should be noted that Policy LH1(1)(d) regarding development within settlement confines also requires development to not displace an existing viable use (of any kind). This criteria of Policy LH1 therefore works hand-in-hand with Policy INF2.
- 8.7. Policy H13 of the Harpole Neighbourhood Plan specifically mentions The Bull public house and, similar to Policy INF2, explains that its loss will be resisted unless:

*1. The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking.*

*2. Satisfactory evidence is produced that, over a minimum period of 12 months, it has been demonstrated that continued use as a community facility is no longer viable.*

- 8.8. It should be noted that the second criteria in Policy H13 effectively conflates criteria 4b and 4c of Policy INF2 but provides a specific period of 12 months that relates to the length of time marketing should take place.
- 8.9. Due to this conflation, 'viability' needs to be more closely defined for the purpose of assessing the proposal. A pub may be considered to be viable but still not attract any marketing interest over a given period, in which case it would satisfy criteria 4b of Policy INF2 and its loss be acceptable. Conversely, it may be considered unviable, but still attract interest, including from those who may wish to use for an alternative community use, in which case it would not meet any criteria of Policy INF2 or H13. The purpose of this distinction is to demonstrate that marketing is the key determinant in either instance.
- 8.10. In this case the applicant has carried out both a marketing exercise and a viability appraisal to seek to demonstrate, under the terms of Policy INF2, that the pub does not serve the needs of the community (i.e. there is no interest in it, thus passing criteria 4b) and in any case it is not a viable business (thus passing criteria 4c). The remainder of the assessment below considers whether this has indeed been demonstrated to the satisfaction of the relevant policies.
- 8.11. The first question to consider is whether the marketing exercise itself was properly conducted. Concerns have been raised by several third parties that it was not carried out fairly and that the commercial agents for the proposal were obstructive or uncooperative with those enquiring about the pub. Officers have no evidence other than the anecdotal to substantiate this but, nevertheless, it is clear that a marketing exercise of some description was indeed carried out over the period prescribed by Policy H13 (from October 2019 to November 2020). Interest was received, including on scheduled visiting days, and is recorded in the marketing statement submitted by the applicant. This demonstrates that the marketing exercise cannot have been wholly ineffective. Therefore, whilst recognising comments about the difficulties in engaging with the agents, Officers have no substantive evidence that it was so flawed as to be fundamentally unreliable.
- 8.12. In terms of the specific methods deployed, independent advice has been sought from Bruton Knowles, who have reviewed all the documentation submitted with the application concerning marketing and viability. A written report is awaited but based on verbal advice their opinion is that the marketing could have feasibly included advertising in a wider variety of locations, including on RightMove Commercial website and the Estates Gazette Property Link website. The marketing exercise was instead focussed on billboards around the site, advertisements in the Northampton Chronicle and in the Estates Gazette magazine, and circulation to parties on the agent's own database. Having considered this matter carefully, Officers consider that the marketing methods chosen still adequately meet the objectives of the policy. The viability exercise accompanying the marketing report has also been reviewed and found to be generally sound. Therefore, given the viability issues it identifies, there is only limited likelihood of serious interest being shown in the pub if it was advertised on a wider-than-local basis. In respect of an alternative community facility, interest in these would almost certainly have come from the local marketing methods used, as educational, health and cultural facilities as well as places of worship etc are all typically brought forward by local groups and generally not run on a commercial basis in any case. There is also nothing in policy

or supplementary guidance that requires applicants to use specific marketing outlets. Taking all of these matters in account alongside the verbal advice received from Bruton Knowles, Officers conclude that on balance the marketing exercise was conducted satisfactorily enough to meet with policy requirements even if it was not totally exhaustive.

- 8.13. The second question to consider is whether any offers that were received demonstrate the site is still capable of fulfilling community needs. Of the offers received for the pub, the majority were for redevelopment purposes rather than as a community facility. However, one offer was in fact received, which is recorded in the marketing statement as being for an Indian restaurant, which would not be regarded as a community facility in policy terms. Nevertheless, it has since been confirmed with both the applicant and individual in question that the offer was in fact made on the basis of continuing the pub use albeit with an additional food element. Therefore it needs to be considered whether this one offer is sufficient to demonstrate that the site could still fulfil the needs of the local community and is viable.
- 8.14. The offer itself was for £300,000, some 14% beneath the asking price of £350,000. The independent advice taken from Bruton Knowles confirms the asking price was reasonable and that the viability exercise provided by the applicant is sound. It should also be noted that in addition to the independent advice obtained by Officers, the original valuation by the applicant to inform the marketing exercise was agreed by two other reputable commercial agents.
- 8.15. The marketing exercise was expressly carried out on an 'offers in excess of' and 'best and final' basis. In this context, Officers do not consider that the one offer received can be relied upon to demonstrate a definite inconsistency with either Policy INF2 or the Local Plan or Policy H13 of the Neighbourhood Plan, as it was well beneath a reasonable asking price. This judgement is nevertheless finely balanced and made without any useful precedent. Policy INF2 has not been applied in this manner since the adoption of the Local Plan and, as a general observation, it is uncommon for marketing exercises to result in Local Planning Authorities having to make such specific financial judgements.
- 8.16. The counterargument is that the offer could have been negotiated and revised upwards to be closer to the asking price. However, there is again no policy basis for expecting a marketing exercise to include further negotiation if an asking price is not realised. The pub was expressly marketed on a best-and-final offer basis and, furthermore, it is understood that the offer received came towards the end of the 12 month marketing period thus limiting the prospects of negotiation. Had there been multiple early offers below asking price then it would seem more reasonable to expect further negotiation to ensure the best possible offer was realised but, in the circumstances that have arisen, the applicant has done what they are expected to do by policy. In the opinion of Officers it would therefore be difficult to sustain an objection to a lack of negotiation should a refusal on this basis be appealed. This is particularly true given the Council would be highly reliant on the evidence of one third party on the matter, who would not be obligated to participate in appeal proceedings and whose interest in the site could fall away for any number of reasons outside the Council's control.
- 8.17. There are other material considerations weighing both for and against the conclusion that the marketing exercise and its outcome do not conflict with policy. Firstly, the marketing spanned the introduction of the COVID-19 pandemic restrictions, which quite feasibly may have limited its effectiveness and resulted in interest in the site being underestimated. Secondly, Harpole is served by two other public houses and so, relatively speaking, the loss of its third pub would not prejudice community needs to the same extent as the loss of a sole pub in a village would do. Officers attribute moderate negative weight and moderate positive weight respectively to each of these two material

considerations. The result is that they collectively have a neutral effect on the overall planning balance.

- 8.18. The policy assessment carried out above therefore remains unaltered by material considerations. The overall assessment against the Development Plan remains finely balanced given the specific and detailed judgements that are required to be made in respect of both the marketing exercise itself and its outcomes. However, overall, Officers conclude that the proposal does not represent a definite departure from the relevant policies and therefore the application is acceptable in principle.

#### Design and Heritage Impact

- 8.19. The site is within a Conservation Area and is within the setting of Grade II listed buildings (Kingsley House lies directly opposite the site on High Street with 6 Park Lane and The Old Dairy slightly further to the west). The pub building itself is also considered a non-designated heritage asset.
- 8.20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.21. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall 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.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 8.22. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.
- 8.23. Policies HE1, HE5 and HE6 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.
- 8.24. The proposal has undergone extensive revisions during the course of this application as well as amendments from a previously withdrawn application and also pre-application discussions held last year. These will be presented fully to the committee as part of the Officer presentation but may be summarised as follows:
- Originally at pre-application stage the proposals included the demolition of the pub and its replacement with a new-build dwelling. It also included dwellings with dormer windows at roof level;
  - The withdrawn application included the conversion of the pub but proposed 4 semi-detached dwellings on the car park, which were not considered to represent an appropriate form or design of development;

- During the course of the current application the dwellings have been amended from a hipped roof to a traditional pitched roof with gables. Other amendments to materials, windows, and architectural detailing have also been secured.

- 8.25. Officers are now satisfied that the proposals represent the best form of development of the site if it is considered acceptable in principle. This is borne out by revised responses from the Conservation Officer raising no objection and other consultees recognising the better form of design. The development is considered to enhance the Conservation Area through the retention of the non-designated heritage asset of the pub building itself and by replacing the existing car park (which is of no visual merit or value to the significance of the Conservation Area) with two high-quality traditional dwellings. In particular, the use of ironstone on the external walls is a positive feature with the manner in which plot 3 addresses the corner of Park Lane and High Street allowing a good level of appreciation of this vernacular architectural style.
- 8.26. In respect of the setting of the nearby listed buildings, this will be largely mitigated through the same means as the Conservation Area; i.e. by using a complementary traditional style of dwelling as opposed to a more modern form that would detract from the historic significance of the building. Nevertheless, the change in levels between the site and Kingsley House in particular and the fact that the latter is of relatively low height means that there is the potential for the new dwellings to be overbearing. However, no objection from the Conservation Officer has been raised on these grounds and the separation distances provided by High Street are such that this matter can be resolved by way of a condition requiring confirmation of the finished floor levels of the dwellings.
- 8.27. Subject to this condition and other standard conditions concerning material samples, detailing, landscaping etc., the proposed development is considered to be acceptable in terms of design and heritage and therefore complies with Policies SS2, HE5, HE6, HE7 of the Local Plan, Policy BN5 of the Joint Core Strategy, and Policy H4 of the Harpole Neighbourhood Plan.

#### Residential amenity

- 8.28. Policy SS2 of the Part 2 Local Plan requires a good standard of amenity for existing and future residents with matters such as garden sizes also specified in the Design Guide, with a minimum depth of 9m recommended.
- 8.29. The proposed dwellings will be neighboured by existing properties in almost every direction and concerns have been raised by consultees about how the proposals would affect residential amenity.
- 8.30. This principally affects the central of the three plots that will result from the development. Plot 1 (the converted pub) will retain largely the same relationship with surrounding properties as currently exists, particularly as the existing pub garden in the south-east corner of the site will be fully reused as a domestic garden instead. Plot 3 at the other end of the site is orientated in such a way so as to present a conventional side-to-side relationship with no.3 Park Lane. Plot 2 in the middle though will present a rear-to-garden relationship that needs to be carefully considered.
- 8.31. The garden depth for plot 2 is around 10.1 metres, which exceeds the minimum Design Guide requirements whilst not reaching the recommended depth of 11 metres. Nevertheless this is considered acceptable as the rear elevation of the dwelling will face the garden of no. 3 Park Lane rather than any habitable elevation. A separation distance over 10m is therefore acceptable and will not result in significant overlooking that would justify refusal on amenity grounds. The dwelling is also limited to two storeys, meaning

there is no opportunity for overlooking from higher upper floors to occur. The matter will be further controlled by a condition requiring finished floor levels to be provided.

- 8.32. The garden depth of plot 3 tapers from around 4m nearest to the High Street to over 11m at its southern corner nearest no.3 Park Lane. This is nevertheless considered to represent an appropriate amount of outdoor space for this dwelling, with a rear-to-side relationship with Plot 2 of over 13m also exceeding the Design Guide expectations of 12m.
- 8.33. The proposal is therefore considered acceptable in respect of residential amenity.

#### Highway safety

- 8.34. Policy SS2 of the Part 2 Local Plan requires a safe and suitable means of access for all people to be secured in development proposals. Paragraph 111 of the NPPF advises 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. Policies H1 and H3 of the Harpole Neighbourhood Plan each also require safe vehicular access in new developments.
- 8.35. The proposals have undergone several revisions to overcome original highway concerns, particularly in respect of the proximity of plot 3's access to the junction with Park Lane and High Street. The applicant has also conducted speed surveys to justify the provision of 37m visibility splays for the new access proposed for plot 2. Ordinarily 43m would be expected on a 30mph road, and can be achieved in a westwards direction from the proposed access, although the applicant's survey indicates that average speeds (or, more accurately, the 85th percentile) are such that the eastwards visibility splay need only be 32m in order to be safe. The Local Highway Authority agree with the findings for plot 2 and raise no objection to this plot either.
- 8.36. Plot 1 (the converted pub building) remains the subject of an outstanding objection from the Local Highway Authority that has not been resolved. This concerns the use of a secondary access to the side of the pub building. Photographs of the access will be presented to the committee where it will be apparent that the length of eastwards visibility is restricted by a wall that forms the boundary with the neighbouring property and is outside of the redline boundary for the application.
- 8.37. The road is a 30mph road and surveys carried out to support shorter splays for plot 2 indicate that average speeds are slightly lower than this. However, the eastwards splays for plot 1 are negligible and will require a vehicle exiting the access to almost fully enter the highway before oncoming traffic can be seen. The applicant has provided a risk assessment that categorises risks as low due to the slow speed of the road and identifies the risk as no greater than would be the case if the pub continued to be accessed in the same location. They also proposed as further mitigation the installation of a mirror directly opposite the site on a telegraph pole.
- 8.38. The use of mirrors to achieve visibility is not acceptable to the Local Highway Authority due to the manner in which perspective can be distorted and the fact that weather, debris and general age can affect their performance. However, having considered this matter carefully, Officers are of the opinion that a reason for refusal on highway safety grounds could not be sustained at appeal due to the fact that the access already exists and could be reinstated for use associated with the pub at any time. Evidence from the Parish Council suggests that the access was only used intermittently but having consulted historic aerial imagery of the site, there appears to have been a vehicle consistently parked in this location. Furthermore, it should be noted that the proposed development will arguably represent a betterment to the existing situation at this access point as

vehicles will be able to enter the driveway of plot 1 and turn within plot 1 and therefore exit in a forward gear. Previously the use of this access only allowed vehicles to pull into the parking space and reverse to leave the site.

- 8.39. Therefore, whilst the proposed development is not consistent with the relevant policies concerning highway safety, there are material considerations that justify a departure, namely the fallback position that the existing access could be reused at any time, as well as the fact that the proposals will provide an improvement in highway safety terms by offering suitable turning space within the site that does not currently exist.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. Community Infrastructure Levy (CIL) will be payable on the proposed development. The CIL is a set charge that must be paid if planning permission is granted for a new house (or houses) or for a home extension or retail development of over 100 sqm. The CIL helps to fund a range of infrastructure that is needed as a result of new development (e.g. road schemes, schools and community facilities). Reliefs and exemptions are available.
- 9.2. This development, if approved, is liable to pay the Community Infrastructure Levy as set out in the West Northamptonshire Council Charging Schedule for the South Northamptonshire Area.
- 9.3. For further information relating to CIL please visit: <http://www.southnorthants.gov.uk/7143.htm>).
- 9.4. No planning obligations from the site towards local infrastructure can be sought under a section 106 agreement as the proposal is not major development.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The benefits of the proposed development may be summarised as:

- The provision of three dwellings on a previously-developed site within the settlement confines of a Secondary Village (Category B) that, on balance, has been demonstrated to no longer viably fulfil community needs, particularly considering the presence of other pubs in the village;
- A positive design that will preserve and enhance the significance of Harpole Conservation Area and the non-designated heritage asset of the pub building.

- 10.2. Matters weighing against the proposal may summarised as:

- Due to the COVID-19 pandemic, the marketing methods deployed, and a below-asking-price offer being received without further negotiation, the ability of the site to viably fulfil community needs cannot be categorically ruled out and is an 'on balance' judgement only;
- The proposed access arrangements for plot 1 will result in the continuation of a substandard access.

- 10.3. In conclusion, the development is considered acceptable in principle when assessed against the relevant Development Plan policies, with a departure on highway safety grounds justified by material considerations. Therefore, as per paragraph 12 of the NPPF, it is recommended permission is granted.

## 11. RECOMMENDATION

### **RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR – GROWTH, CLIMATE AND REGENERATION TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

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:

Site Location Plan (drawing ref: DE(9)900), received 17th March 2021  
Proposed Site Plan (drawing ref: DP(9)900 rev D), received 2nd June 2021  
Proposed Pub Plans (drawing ref: DP(0)003 rev A), received 17th March 2021  
Proposed Pub Elevations (drawing ref: DP(0)052 rev A), received 17th March 2021  
Plot 2 Proposed Plans (drawing ref: DP(0)001), received 17th March 2021  
Plot 2 Proposed Elevations (drawing ref: DP(0)050 rev A), received 2nd June 2021  
Plot 3 Proposed Plans (drawing ref: DP(0)002 rev A), received 20th July 2021  
Plot 3 Proposed Elevations (drawing ref: DP(0)051 rev B), received 20th July 2021  
Proposed Double Garage Plans/Elevations (drawing ref: DP(0)010), received 2nd June 2021

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

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

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

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion

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

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

4. Based on the findings of the Phase I Desktop Assessment submitted with the application, no part of the development hereby permitted shall take place until:
- (a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
  - (b) the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
  - (c) both (a) and (b) above has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of 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.

5. If contamination is found by undertaking the work carried out under condition 4, then no development hereby permitted shall take place until
- (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
  - (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of 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.

6. No development shall take place until details of all finished floor levels in relation to

existing and proposed site levels and to the adjacent buildings and garden levels have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason : In order to safeguard the residential amenity of occupiers and the visual amenities of the area (including the Conservation Area and setting of the nearby Listed Building) in accordance with Policies SS2 and HE5 of the South Northamptonshire Local Plan (Part 2) and advice within Section 12 of 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

7. A method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to any development above slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

8. Samples of the slates to be used in the covering of the roof of the dwellings, including ridge tiles, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality (including the Conservation Area) and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 and HE5 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework

9. The external walls of the dwellings and the garages of plots 2 and 3 shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason : To ensure that the materials are appropriate to the appearance of the locality (including the Conservation Area) and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 and HE5 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework

10. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to preserve the setting of the nearby Listed Building, in accordance with Policies SS2 and HE5 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage shall be 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 the dwelling 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.

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of plots 2 and 3, including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason : In order to safeguard the visual amenities of the area and Conservation Area in accordance with Policies SS2 and HE6 of the South Northamptonshire Local Plan

13. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

Reason : In order to safeguard the visual amenities of the area and Conservation Area in accordance with Policies SS2 and HE6 of the South Northamptonshire Local Plan

14. Details of the construction, including cross sections, cill, lintel, reveal and colour / finish of the proposed windows, which shall be of a timber construction, to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason : In order to safeguard the visual amenities of the area and Conservation Area in accordance with Policies SS2 and HE6 of the South Northamptonshire Local Plan

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

15. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

16. The proposed access and parking facilities shall be provided in accordance with the approved plans before first occupation of the development hereby permitted.

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

17. The dwellings hereby permitted shall not be occupied until they have 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 of the National Planning Policy Framework.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and

Government guidance contained within the National Planning Policy Framework.

#### CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

19. 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 dwellings 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.

20. Notwithstanding the provisions of Class A of Part 2, 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 gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling and the highway, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain the open character of the development and area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

21. Notwithstanding the provisions of Classes A-D (inc) 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 the dwellings 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.

22. All rainwater gutters and downpipes, etc shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason : To ensure that the new works are sympathetic with the character of the surrounding area and to accord with Policies SS2 of the South Northamptonshire Local Plan.

23. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy SS2 of the South Northamptonshire Local Plan.

24. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with

has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

25. 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.