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| <u>Application Number:</u> | WNS/2021/0963/MAO |
| Location: | Trust Meeting Hall, Fox Lane, Brackley, NN13 6BG |
| Proposal: | Outline application - Re-development of brownfield site comprising demolition of existing Fox Lane Meeting Hall and erection of up to 18 dwellings with associated access, parking, landscape, and infrastructure.(access) |
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| Applicant: | Unistruct Ltd c/o Fox Lane Gospel Hall Trust |
| Agent: | Woods Hardwick Ltd |
| Case Officer: | Tom Ansell |
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| Ward: | Brackley |
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| Reason for Referral: | Major Development (10 dwellings or more) |
| Committee Date: | 9 th December 2021 |
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The scheme proposes the demolition of the existing church meeting hall, constructed in the late 1970s/early 1980s, and seeks outline permission for up to 18 dwellings on the site where the hall and its car park presently stand. All matters are reserved except for access, which will be taken from Fox Lane.

The Council has received revised drawings over the course of the application, improving the indicative layout in terms of visual, public and residential amenity, and indicating how an appropriate internal highway layout might be achieved and how acceptable forward visibility is achievable at the site's entrance.

Consultations

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

- Crime Prevention Design Advisor (no objections in principle to developing the site, but concerns about original indicative layout – no response received to revised layout etc at time of writing report)
- Brackley Town Council (no response received to revised layout etc at time of writing report)

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

- Anglian Water (subject to informatives)
- Lead Local Flood Authority (subject to conditions)
- Planning Policy

- Local Highway Authority (subject to conditions relating to securing appropriate internal layout and achievable forward visibility/vehicular tracking etc)
- Strategic Housing
- Ecology Officer (subject to conditions)
- Environmental Protection Officer (subject to various safeguarding conditions)
- Economic Growth & Regeneration
- County Archaeologist

The following consultees haven't provided a response:

- Recreation and Leisure
- Waste and Recycling
- County Archaeologist

Three letters of objection have been received in response to the re-consultation carried out on the amended/revised drawings. In total, 17 letters airing objections or concerns about aspects of the proposal (even if they do not outright object to residential development within the site) have been received, from or on behalf of 13 different properties. No letters of support have been received.

Conclusion

The application – specifically the revised indicative layouts and highway/access information - 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
- Access & highways (reserved matter)
- Visual impact of development
- Impact on public and residential amenity
- Impact on ecology
- Impact on local infrastructure and S106 matters
- Other matters

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is approximately half a hectare in size, and forms an L-shape with the existing building, a place of worship, located on the northern boundary. Parking for the church meeting hall is provided in the remaining space, which is enclosed on all sides by timber fencing.

- 1.2 The meeting hall is a large, rectangular building constructed in the late 1970s or early 1980s, and it is finished in buff brick. It has limited architectural merit, seemingly designed to quite specific requirements to ensure it was able to facilitate the meetings of the Plymouth Brethren. Adjacent to the meeting hall is Southview, a modest bungalow that was originally constructed in the 1980s as a caretaker's dwelling. This association appears to have long since ended.
- 1.3 The site is approximately 350m north-west of Brackley's town centre, Market Place, accessed via Banbury Road and Fox Lane (it is around 550m on foot). It is surrounded by residential development, although a community building housing the 5th Brackley Scout Group is located on a plot just to the north-east.
- 1.4 The southern boundary of the site, presently delineated by a large mature hedge, runs along a footpath that appears to be unnamed and not owned by any identifiable party or individual. This footpath provides access to numbers 127 and 129 Fox Lane (sometimes known as Banbury Road), which have specific, registered rights of way over it. It was noted on a site visit that the occupier of 129 parks vehicles on the track, against the hedge.
- 1.5 A footpath then runs around the eastern, southern and western perimeters of the site. This footpath is somewhat hemmed in and hostile to pedestrians, not benefiting from any natural surveillance or adequate lighting. The footpath runs along the rear of properties in Westhill Close and then enters this residential street between numbers 12 and 14.
- 1.6 Fox Lane consists of a number of detached bungalows and a relatively recently constructed terrace of two-storey dwellings. Dwellings facing Banbury Road are more historic in character. There is no real architectural vernacular from vantage points within Fox Lane.

2. CONSTRAINTS

- 2.1. The application site is within the town confines of Brackley. The site is within an archaeological asset site, has a low risk of surface water flooding, and is within 2km of five local wildlife sites.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development seeks the removal of the existing meeting hall, and outline permission for up to 18 dwellings. Access is to be taken from Fox Lane, and the unnamed/unowned track will be incorporated into the site, with access to 127 and 129 Fox Lane provided from the new estate road. Similarly, access to Southview will also be provided from the new estate road.
- 3.2. The application reserves all matters except for access. An indicative layout drawing was originally submitted showing a scheme of two and three-bedroom units. However, this has since been superseded by a new layout which has sought to address concerns raised by the Council, the Crime Prevention Design Advisor (CPDA) and the occupiers of properties 127 and 129 Fox Lane. The Council reconsulted on this revised layout (10th November), which now includes some 1-bedroom properties. The consultation period will run to a point in time after publication of this report; any responses will therefore be included in the written updates.
- 3.3. Further drawings have also been received clarifying the suitability of the access from Fox Lane into the site, to address concerns raised by the Highways Authority. Vehicular

tracking drawings and the layout of internal carriageways/paths have also been provided, albeit showing a different (and now superseded) layout of dwellings.

4. RELEVANT PLANNING HISTORY

- 4.1. There are numerous historic planning applications relating to works to the meeting hall, as well as the original applications from the mid to late 1970s. An application was approved in the 1990s to extend the hall. However, there is no recent planning history relevant to this proposal before the Council today.
- 4.2. Pre-application advice was sought in respect of the proposal under reference P/2020/0253/PRM. Indicative presentation documents were provided showing a layout similar to what was submitted originally, and 3D street scenes etc. The Council offered general support to the proposal subject to design matters highlighted within its report being resolved. The matters mainly related to amenity issues identified as being caused by various plots within the site.

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 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted 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
- S2 – Hierarchy of Centres
- S10 – Sustainable Development Principles
- RC2 – Community Needs
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- BN2 – Biodiversity
- INF2 – Contributions to Infrastructure Requirements
- B1 – Spatial Strategy for Brackley

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
- LH10 – Housing Mix and Type
- INF2 – Community Facilities
- NE5 – Biodiversity and Geodiversity

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Parking Standards and Design Supplementary Planning Document
- 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.

| Consultee Name | Comment |
|---|--|
| Brackley Town Council | Object , with unspecified concerns relating to the dogleg footpath, querying whether there is undercover parking within what was shown as a 2-bedroom maisonette, and concerns regarding narrow vehicle access and increased traffic onto Banbury Road. |
| Crime Prevention Design Advisor | No objections to principle but concerns about quality of public realm and safety/security of those using the footpath. |
| Anglian Water | No objections , but informatives suggested relating to the used water network. Confirms that Brackley (New) Water Recycling Centre has capacity for the site in respect of wastewater treatment. |
| Malcolm Ball | No objections subject to imposition of three conditions as set out in the full response. |
| Planning Policy | No comments to make, other than proposal should be determined in accordance with the development plan. |
| Local Highway Authority | The reduced 18m forward visibility is sufficient for the anticipated traffic speeds on this section of the highway. The revised site layout plan requires re-tracking with four-axle refuse vehicles. The internal highway layout should be suitably conditioned. |
| Strategic Housing (on original housing mix) | No objections subject to early dialogue with any future application, specifically the appropriate affordable housing dwelling mix to meet current housing needs. Some concerns regarding the little demand for two-bedroom flats (now no longer included) and the absence of 4-bed accommodation. |
| Ecology | No objections ; confirms that it is unlikely that the development will have a significant impact on protected species or habitats on the basis that mitigation/enhancements recommended in survey are followed. A number of conditions are recommended. |
| County Archaeologist | Previous investigations on Fox Lane have returned negative results. On this basis, there are no further comments on the proposals. |

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. While not all parties are objecting to the principle of housing development on this land, all responses are objecting in some form. The general concerns raised are:
- Over-development of the site
 - Impact on amenities of 127/129 Fox Lane from proposed maisonettes – overshadowing and possibly overlooking
 - Unacceptable access and parking arrangements provided for 127/129 Fox Lane
 - Poor layout/security and safety implications from proposed footpath arrangements
 - Impact of development on highway safety, specifically on the narrow Fox Lane which suffers from on-street parking and at the junction between Fox Lane and Banbury Road, where on-road parking along Banbury Road results in hindered visibility and there being only one lane free most of the time.
 - Disruption caused during the construction period given the close relationship between the site and surrounding residential properties
 - Impacts on schools, medical facilities, the amount of growth already being experienced by Brackley (i.e. has the town not met its targets already?) etc.
 - Impact on the privacy of properties within Westhill, in terms of overlooking (building to building and building to amenity space), and also from overshadowing due to orientation of new dwellings relative to existing properties. Concerns about house prices being lowered.

8. APPRAISAL

Principle of Development

Policy context

- 8.1. Policy S2 of the Joint Core Strategy (JCS) refers to Brackley as a ‘Rural Service Town Centre’, and policy B1(a) of the same Plan advises that this role will be supported by *‘housing development within the existing urban area’*. Policy SS1 of the Local Plan Part 2 (LPP2) identifies Brackley as a first category ‘Rural Service Centre’. The pre-ambles to policy SS1 advises that the highest priority will be to *‘focus development on the Market Towns where access to services, facilities and employment opportunities are most readily available’*.
- 8.2. Policy INF2 of LPP2 advises that 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 the site or facility has marketed for an alternative community facility via a marketing exercise, or such process agreed with the Council*

Assessment

- 8.3. The site is located within the built-up urban area of Brackley, well within the town confines, and as such the principle of residential development in this location is considered acceptable due to its sustainability.
- 8.4. The existing building is used as a place of worship by the Plymouth Brethren. Its use class is F.1(f) 'public worship or religious instruction', and it is a community facility for the purposes of INF2. The demolition of the meeting hall will result in the loss of this community facility, triggering policy INF2.
- 8.5. The Council approved permission for a larger, replacement meeting hall on 25th March 2020 (S/2019/2284/MAF) on a site known as The Red House, High Cross, Syresham. It is around 4.4 miles to the north-east of the existing site, in open countryside, and accessible nearly immediately off the A43. While it is some distance from the existing site, and in open countryside, it is regarded as being of greater value given its intended role within the Brethren's hierarchy of meeting places, positioned such that it can be accessed reasonably easily from a large number of locations around the district. Works on the new hall have commenced, although it is noted that Covid has slowed progress.
- 8.6. The term 'locality' is not defined or quantified in the Plan, and it does not state that the new facility needs to be within the existing (or any other) settlement confines. Therefore, the new hall can be regarded as a new facility of greater value which has been provided within the locality of the site.

Conclusion

- 8.7. The proposal is within Brackley's town confines, and while an existing community facility will be lost, a replacement building has been approved within the locality and works are underway to construct this.
- 8.8. Consequently, the application is considered to comply with policies S2 and B1 of the JCS and policies SS1, LH1 and INF2, and therefore be acceptable in principle.

Access & highways (reserved matter)

Policy context

- 8.9. Policy SS2(1.j.) requires new developments to include '*a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles)*'. Section 9 of the NPPF 'Promoting sustainable transport' requires the Council to consider the following matters (Paragraph 110):
 - a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users;
 - c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

- 8.10. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds *'if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Assessment

- 8.11. Through the submission of additional drawings, particularly 18929-FXLN-5-SK003-B 'Car/Refuse Tracking and Access Plan' and 18285 1010 Revision B showing the access bend into the site and internal pathway/carriageways received 28th September and 7th October respectively, the applicant has demonstrated that the access into the site from Fox Lane can be constructed in a manner that is agreeable to the Local Highways Authority (LHA). The indicative 'shared surface' arrangement within the site provides for 1.5m service strips and a 4.5m wide carriageway; again, an arrangement acceptable to the LHA. The existing footpath can be merged into the service strip in a logical location.
- 8.12. Parking for 127 and 129 is shown as remaining more or less as it is at the moment, although the spaces for 129 are now *indicated* as being to the front, either side of a footpath. While Officers understand that some concern has been raised about how these properties will be accessed, and that the parking situation should remain more or less unchanged for them, the submitted plan is indicative, and simply needs to show that these properties can continue to benefit from appropriate off-street parking. Even if the layout before the Council today is not the one proposed at reserved matters stage, Officers are happy that there is sufficient space to provide off-street parking for these neighbours.
- 8.13. The scheme proposes up to 18 dwellings, and indicative drawing SK03 Rev A (received 8th November) shows a way that the dwellings could be arranged within the site, each with dedicated parking. Some of this parking is provided in tandem style to the front, and some of it is 'frontage' parking. Frontage parking is generally resisted by the Council as it can lead to a somewhat cluttered and vehicular dominated street scene. However, considering the terraces within Fox Lane generate on-street frontage parking, and the other dwellings in the vicinity of the site generally have parking areas to the front, the degree of frontage parking shown, particularly softened with street planting/trees (which can be conditioned), is considered acceptable on this occasion.
- 8.14. The indicative layout shows how all but four of the units will benefit from two spaces each; the four 1-bedroom maisonettes will be given a single space in recognition of the relatively modest accommodation they are providing, and the sustainable location of the site.
- 8.15. While this does not wholly accord with the Council's adopted SPD on Parking Standards and Design (which requires two spaces for all dwellings that have 1-3 bedrooms), Officers are mindful of an appeal decision relating to an application for a single bedroom dwelling in a modern housing estate to the south-east of the town centre (82 Winston Crescent – appeal reference APP/Z2830/W/19/3232946). While the appeal was dismissed for other reasons, the Inspector considered the single parking space provided and concluded that *'given the size of the property proposed'* one on-site parking space would be adequate. They also felt that additional on-street parking occurring as a result would not be *'of a scale that would hinder the flow of traffic on the surrounding highway network'*.
- 8.16. Given this relatively recent position established in a comparably residential and built-up part of Brackley, Officers do not consider the provision of a single space for each one-bedroom maisonette to result in significant risk of on-street parking pressures occurring within the site or on nearby highway networks. Furthermore, the indicative drawings show how four on-street parking spaces can actually be provided in safe locations within

the site (the LHA has agreed to this). However, a condition will be used to ensure the maisonettes remain one-bedroom, as this factor is fundamental to this conclusion, and having four larger maisonettes could reasonably result in increased parking requirements.

- 8.17. The site is well-located and within easy walking distance of many of Brackley's facilities and services including a large shop (Waitrose), a number of schools, healthcare and banking facilities etc. It is considered to accord with the aims of policy SS2 and Section 9 of the NPPF in terms of being located sustainably, to encourage the use of local facilities accessed on foot. Furthermore, the nearest bus stop is a short distance away on Banbury Road, with a number of services available.
- 8.18. Turning to the one of the main points of concern raised by numerous third party consultees and the Town Council, it is acknowledged by Officers that Fox Lane is quite narrow, and suffers from on-street parking mainly as a result of a terrace of dwellings constructed without any off-street parking. Furthermore, Banbury Road, particularly in the immediate vicinity of the site, also suffers from on-street parking to the extent that it is often reduced to a single lane, with vehicles having to pull into gaps and wait for vehicles to pass before continuing. The on-street parking also serves to hinder visibility as vehicles emerge from Fox Lane onto Banbury Road.
- 8.19. The above situations are well-established and are beyond the reasonable control of both the Council and the applicants. It is argued that the development will result in a significant increase in risk of harm to users of the public highways.
- 8.20. This argument has been considered at length. While the issues are fully acknowledged, the existing use of the building as a meeting hall and place of worship must also be afforded significant weight. While its current use by the Plymouth Brethren is likely to be quite intense in terms of frequency of visits, these are likely to a number of smaller meetings attended by fewer people, and some of these visits are likely to be during quieter periods of the day (i.e. before morning rush hour, or later in the evening). It is also likely to be quite a rare occurrence that the entire car park is full as a meeting is attended by all members of the community in the vicinity.
- 8.21. Looking at the Transport Statement, there are some numbers provided for traffic movements relating to the use of the existing building, both pre-Covid and with Covid restrictions in place. Over a seven day period in 2019 (6th Oct to 12th Oct) there were over 800 individual vehicular movements (including arrivals and departures), with nearly 230 movements in a single day (Sunday). In May 2021, the number of movements in a single day is much lower – just under 90 – but this is still considerably more than the predicted number of trips generated by a development of 18 dwellings (around 32).
- 8.22. It should be noted that neither permissions attached to the meeting hall (S/1978/1714/PO and S/1979/0380/PR) impose any restrictions whatsoever on its usage, either in terms of numbers of people, numbers of vehicles, frequency of meetings or the times of day meetings are permitted. This means that the building could be used by the Brethren or another religious organisation much more intensely without any planning implications; for example, there could be numerous meetings per day, and frequent 'full house' meetings that fill the entire car park (and possibly beyond, with vehicles being forced to park on Fox Lane or Banbury Road or other surrounding streets).
- 8.23. The premises appear to have been maintained well and are in a good condition, and so remain perfectly functionable for such purpose. While the above are two 'worst case' scenarios that are perhaps less likely to realistically happen, the central, convenient location of the building and its reasonably large car park mean it is not unreasonable to afford weight to its use continuing as a place of worship if permission was refused.

8.24. Also requiring consideration is what the existing building could become without necessarily requiring the benefit of planning permission. The use falls within class F.1 of the Use Classes and Permitted Development Order (July 2020), and other uses within this category that the building and surrounding car park might lend itself to are educational facilities, public library or a public hall or exhibition hall. All of these uses would also potentially generate comparable, if not greater numbers of traffic movements than 18 dwellings.

Conclusion

- 8.25. The application proposes an acceptable means of access from Fox Lane into the site, and indicative drawings show how appropriate treatments and layouts of carriageways and service strips are achievable, as well as vehicle tracking and parking provision. The site is well-located in close proximity to a large number of facilities and services within Brackley town centre, encouraging walking and the use of nearby public transport links.
- 8.26. The proposed development will generate fewer vehicular trips than the existing use, even taking its more limited attendance due to Covid into consideration, and the extant use of the building either as a place of worship or in other class F.1 uses has the potential to generate even more traffic than it is presently generating without there being any planning implications.
- 8.27. While the junction of Banbury Road and Fox Lane is adversely affected by on-street parking along the former, and while Fox Lane itself also suffers from on-street parking, the proposed development will not exacerbate the problems that these issues cause any more than the existing situation, and in fact submitted evidence suggests there will be slightly fewer chances of conflict and harm to highway users due to the residential development generating fewer traffic movements.
- 8.28. As such, Officers are satisfied that the access as proposed, a matter not reserved for later consideration, is acceptable.

Visual impact of the development

Policy context

- 8.29. Policy H1 of the JCS requires new housing development to provide a mix of house types, sizes and tenures to cater for different accommodation needs. The policy places an expectation on developments to make the most efficient use of land, having regard to some key considerations...
- a) The location and setting of the site;
 - b) The existing character and density of the local area;
 - c) Proximity to public transport routes;
 - d) The implications of density for affordability and viability;
 - e) The living conditions provided for future residents;
 - f) The impact on the amenities of occupiers of neighbouring properties
- 8.30. Policy SS2 of the LPP2 contains general development principles. Policy SS2(1.a.) requires new development to '*maintain the individual identity of towns and villages and their distinct parts*' and avoid the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement. Policy SS2(1.b.) requires new development to use a '*design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area*'.

8.31. Policy LH1 is more specific, looking at proposed housing developments, and it requires new developments to...

- a) Provide for an appropriate mix of dwellings in accordance with Policy LH10 of this Plan; and
- b) Avoid resulting in harm to the character of the area or the loss of public or private open spaces that contribute positively to the local character of the area; and
- c) Not require substantial new infrastructure or facilities to support it; and
- d) Would not displace an existing viable use such as employment, leisure or a community facility

Assessment

8.32. The site is in a central, highly urbanised location, surrounded on all sides by residential built form which is, for the most part, modern (i.e. built since the 1960s). Dwellings facing Banbury Road and numbers 127 and 129 are more historic; the latter two dwellings (which are semi-detached) have a more traditional plan form and slate roofs for example. There is no single architectural vernacular or overriding identity in this part of the settlement, so any further development would be able to integrate quite easily in this regard.

8.33. The site can be described as, predominantly, a large open space due to the car park surrounding the meeting hall; however, it is not an open space that is identified as having any particular value. The openness of the site is certainly noticeable from the public footpath that travels around the site's perimeter, but this footpath's environment is poor and rather hostile. The open space here is not considered to contribute positively to the character of the settlement; its loss through development is not considered to result in harm, and in fact could open up the footpath's environment and result in betterment (this will be looked at later in the report).

8.34. The site is half a hectare and up to 18 dwellings are proposed, resulting in a density of around 36 dwellings per hectare. Figures given in the Design Guide (Chapter 4.5) suggests that this is about right for this part of Brackley; it is away from the more densely packed centre of town where there are lots of flats above shops and narrower terraces, but it is still in quite a heavily developed part of the settlement.

8.35. While the site will be somewhat set back from Banbury Road, behind the longer gardens of properties fronting it, to the north-west it will relate quite strongly to the terraced properties in Westhill Close. Fox Lane features both detached dwellings (bungalows) and a terrace of smaller properties. The only way of developing the site is to effectively continue Fox Lane around the sharp access bend. The indicative plan shows how a street frontage can be maintained all the way into the site to the north-western boundary, where it can be capped with a turning head. A new development here is likely to tie well into the character of development in the immediate vicinity, both in terms of how it is laid out and in terms of density.

8.36. Residential amenity will be looked at later in the report. However, the indicative plan suggests that the site can accommodate the maximum quantum of development without resulting in unacceptable harm to the amenities of neighbours, while providing adequate amenities for future occupiers.

8.37. Turning to parts of LH1, the mix of dwellings has changed from what was originally submitted. Four of 18 units are now proposed to be 1-bed maisonettes, with the remaining fourteen made of up eleven 3-bedroom properties and three 2-bedroom properties. Such a mix is considered to cover a suitably broad range of housing

requirements, although the observations regarding the need for a form of four-bed affordable units made by the Strategic Housing officer are noted (and can be addressed during the subsequent reserved matters application). The loss of a community facility has been covered in the 'Principle' section of this report.

Conclusion

- 8.38. The indicative drawings show how the site could be laid out and developed in a manner that integrates it well into the existing grain, pattern and form of residential development in the immediate and wider vicinity. The loss of the site as a private open space will not cause harm to the character of this part of the settlement, and there are opportunities to make public transitional spaces around the site more welcoming and usable as a result of opening parts of the site up.
- 8.39. While matters relating specifically to scale, design and finish etc are all reserved for a later application, Officers are confident from the indicative layout that an appropriately high-quality development that enhances the appearance and setting of the area can be secured in this location, whether it is mildly contemporary or more in keeping with the surrounding architecture.
- 8.40. Officers are satisfied that the development of this site in Brackley will not result in visual harm that will adversely impact the appearance or character of the settlement.

Impact on public and residential amenity

Policy context

- 8.41. As established above, policy H1 of the JCS requires new development to consider '*the impact on the amenities of occupiers of neighbouring properties*'. One of the sustainable development principles set out in policy S10 of the JCS (S10(a)) requires development to '*achieve the highest standard of sustainable design incorporating safety and security considerations and a strong sense of place*'.
- 8.42. Policy SS2 of the LPP2 expands upon this, requiring new development to '*not unacceptably harm the amenities of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight, daylight or outlook*' (SS2(1.f.)). The same policy also requires new developments to provide acceptable amenity for future occupiers of the development in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration.
- 8.43. Policy SS2(1.c.) requires new development to provide '*an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures*'.

Assessment

- 8.44. Looking at the quality of the public realm first of all, the current footpath is of a poor quality, feeling 'tunnelled' and with very low natural surveillance (provided by a few first-floor windows which are set some distance from the path). The best kind of surveillance is provided at closer proximity from ground floor windows which tend to serve rooms that are inhabited for greater portions of the day.
- 8.45. The indicative drawing shows how a site layout might create an active, overlooked frontage which greatly enhances the quality of the footpath. A low-level wall with planting could border the communal garden of the maisonettes, and then from the edge of this

wall all the way around to where the parking areas are shown on the south-eastern boundary, it could be completely open, so that ground floor openings within the maisonettes look directly onto the footpath. The footpath could then emerge onto a shared-space style service strip that runs along the carriageway of the new access road and back into Fox Lane opposite Southview.

- 8.46. The open views that could be attainable across green landscaped areas towards the built form within the development would be a welcome contrast from the current situation, where forward visibility is limited by the proximity of high fences and 90-degree turns. The footpath would become well-overlooked and much less hostile to users. While the drawing is indicative, Officers are satisfied that the indicative plan is sufficient in demonstrating how the betterment of this public realm should be easily securable during a future reserved matters application.
- 8.47. Turning to the impact on the private realm – the amenities of neighbouring dwellings – the indicative layout has been amended to address concerns raised previously by the occupiers of 127 and 129 Fox Lane, the latter of which has a relatively modest garden which runs along the edge of the footpath. The amenity spaces belonging to 127 and 129 are no longer impacted negatively by the development. The built form has been moved closer to the north-western boundary, and subsequently properties in Westhill Close.
- 8.48. The indicative layout shows that the semi-detached properties along the north-western edge of the site can maintain a separation (or 'back-to-back' distance) of 18m or more, in line with limitations established in the Council's Design Guide. Similarly, distances from the rear of these dwellings to the boundaries are in excess of 9m. There are no concerns about the properties along the north-eastern side of the site (where the existing building stands), as these again maintain adequate distances to the boundaries, and do not overlook residential amenity spaces anyway.
- 8.49. The only point of concern that remains relates to the proximity of the T-shaped maisonette building to the border of the site, and to the small amenity spaces that belong to properties in Westhill Close. The north-western projecting wing of this building, which will also be two-storey in scale, will be 13m from the rear elevations of 6 and 8 Westhill Close, and 6m from the boundary of the site.
- 8.50. Officers are satisfied that overlooking/privacy concerns can be easily mitigated at design and layout stages, by resisting habitable windows on the north-western wall of the building at first floor level. Views from ground floor windows will be naturally screened by the fence to the rear of Westhill Close gardens. Similarly, the 13m distance between windows to the rear of properties in Westhill Close and the new two-storey elevation (whether it has a small porch or not on it), along with the presence of boundary fences and outbuildings in the gardens of these properties etc, is sufficient to avoid harm to the outlook from the windows within these properties.
- 8.51. Considering where the building is oriented, relative to the gardens of the neighbouring properties, there is a risk that a two-storey structure here could overshadow some of the garden areas, however. The indicative design shows how a hipped roof here could both reduce the massing and potential impact of the two-storey structure in respect of overshadowing. Officers agree that this sort of design approach is likely to be effective. Furthermore, Chapter 4.7 of the Design Guide provides advice on overshadowing. Paragraph 4.92 advises that *'overshadowing to a garden area on its own will very rarely constitute sufficient grounds to justify a refusal of planning permission'*. While effects on patio and entertaining areas immediately outside a dwelling can be a consideration, this would often need to be experienced *'in addition to detrimental effects on internal primary living areas in order to sustain a refusal'*.

- 8.52. The indicative drawing shows that the internal primary living areas of properties in Westhill Close will not be adversely impacted by the development, and it also reassures Officers that steps can be taken at reserved matters stage to ensure no harm arises. Any overshadowing will likely impact the rear sections of garden, and even then this will not be for a significant portion of the day given the orientation of the site and building - direct sunlight will continue to reach these gardens where it can do so. As such, Officers are satisfied that two-storey development in this location, assuming a hipped roof is utilised (which can be insisted upon when more detailed designs are prepared for a reserved matters application) will not harm the amenities of existing occupiers.
- 8.53. Turning finally to the amenities and living conditions of *future* occupiers of the development, the indicative plan shows how each of the semi-detached dwellings will benefit from adequate private amenity space at the rear, with garden depths of around 9m or more attainable across the board (in line with the Council's Design Guide).
- 8.54. The only deviation from this is the amenity space proposed for the occupiers of the maisonettes. This is shown as a communal area located to the rear of the building, which will presumably be overlooked by windows within the rear elevation of the maisonette block. The indicative plan suggests a communal garden of reasonable size is achievable, around 90sqm, and given the type of dwellings it will serve this is considered to be acceptable. It should be noted that the site is close to Brackley town centre where there are a large number of flats above shops, including some that have been permitted recently, that have no external amenity space at all. It is common for maisonettes to be delivered in blocks and to not necessarily benefit from the same amenity spaces that are afforded to detached and semi-detached dwellings.

Conclusion

- 8.55. The indicative drawing shows that the development of this site will likely result in an overall betterment of the quality of the public realm through the opening up and overlooking of the public footpath that links Westhill Close to Fox Lane. It also demonstrates how existing and future occupiers of neighbouring properties and those who might move into the new development will also be able to benefit from appropriate and acceptable levels of amenity, in terms of privacy, overlooking and overshadowing.

Impact on ecology

Legislative context

- 8.56. 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 have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.57. 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.

Policy Context

- 8.58. Paragraph 170 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 175 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.
- 8.59. Paragraph 180 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.
- 8.60. 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.
- 8.61. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.62. Policy BN2 of the JCS 2014 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.

Assessment

- 8.63. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a relatively modern building, is bordered mainly by fences and a mature hedgerow, and contains a car park with some grassy areas around its periphery.
- 8.64. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.65. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.66. The application is supported by a detailed protected species survey which has been reviewed by the Council's Ecology Officer, who agrees that it is fit for purpose and contains recommendations and mitigation that should safeguard protected species that might be on site. They have recommended a number of conditions that will be imposed on the decision notice to ensure the recommendations and mitigation are followed and implemented.

Conclusion

- 8.67. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Impact on local infrastructure and S106 matters

Policy context

- 8.68. Policy INF1 both within the JCS and the LPP2 require new development to be supported by appropriate infrastructure.
- 8.69. In this case there are improvements and enhancements to infrastructure, services and facilities required as a result of this development. These contributions are listed below.

Affordable housing provision

- 8.70. The proposal must provide 40% affordable housing in accordance with a tenure split provided by the Council's Strategic Housing Department. This requirement is acknowledged by the applicant in the Design and Access Statement (paragraph 2.59). This contribution is essential as it ensures the scheme is policy compliant and consistent with the Council's Development Plan (policies LH8 and LH10 of the LPP2).

Healthcare provision

- 8.71. The Clinical Commissioning Group (CCG) hasn't yet responded to the application. A response is being chased as a matter of urgency to ascertain whether there is sufficient

capacity in the local primary healthcare system to absorb the anticipated increase in demand that will be created by the development. In the event that there is insufficient capacity at local practices, and to avoid the population being brought to the area experiencing difficulties in accessing primary health care services, it is likely that a financial contribution will be sought towards infrastructure.

- 8.72. The CCG uses formulae to calculate the required contribution. Previously, it has advised that a 20-dwelling scheme on the outskirts of a Primary Service Village would place pressure upon the primary health care services available within that settlement, and requested a contribution of around £17,000.
- 8.73. Given the recent opening of a new medical centre in Brackley, and the better sustainability and likely wider availability of primary healthcare services within the larger settlement, it is likely that any figure requested for Brackley will be less than this. The figure above is produced purely as an indication as to what a contribution may be.
- 8.74. The actual requested contribution, if any is made, will be included in the written updates document ahead of committee, or as a verbal update to committee on the day. At any rate, Officers will ensure the CCG provides a response and any financial contribution requests that are made are included as a requirement in the subsequent S106 agreement that will need to be prepared and signed should this application being approved in line with Officer's recommendations.

Refuse and recycling

- 8.75. The development generates a need for additional wheelie bins to be provided by the Local Authority, which also must ensure there is a waste collection service. In order to do this, a contribution of **£70 per dwelling** is sought.

On site amenity space

- 8.76. The site is not able to provide any amenity green space, or natural/semi-natural green space, and so an off-site commuted sum has been calculated on the basis that the development will generate a need for around 0.02ha of each (based upon a requirement of between 0.0005 and 0.0006ha per person, across a population of 42.3 at 2.35 persons per dwelling). The total off-site commuted sum for each has been calculated by adding the overall cost of provision to the cost of maintenance (which itself is calculated on a cost per m² per year over a period of 20 years).
- 8.77. For **amenity green space**, the commuted sum will be **£6,317.08**, with the cost of provision making up £3,373.00 of that and maintenance £2,944.08.
- 8.78. For **natural and semi-natural green space**, the commuted sum will be **£1,852.74**, with the cost of provision making up £795.24 and the cost of maintenance totalling £1,057.50.

Off-site playing fields

- 8.79. The type of development proposed will generate a need for additional playing fields and equipment associated with those fields. The Council seeks payment of a financial contribution towards provision and maintenance of off-site playing fields in the locality of circa **£924.70** per dwelling.

Children's play and provision for young people

8.80. The development will generate the need for an additional 0.01ha of children's play areas and space for young people. This cannot be provided on site, so a further commuted sum has been calculated which will go towards enhancing existing play areas and spaces within the locality. The commuted sum has been calculated at **£20,421.38**, with £12,617.03 of that forming the overall cost of provision, and £7,804.35 forming the cost of maintenance.

Allotments

8.81. The development generates a need to provide or enhance existing allotment facilities within the locality, although Officers note that such facilities aren't readily available or easily providable. The total requirement generated by the development is 0.01ha, and would attract a contribution of **£1,191.59**, with £734.75 going towards provision and £456.84 going towards maintenance. In the event that is deemed impractical or unreasonable to request this moneys, an allotments contribution will not be included within the S106 agreement.

Library contributions

8.82. A contribution of £3,987 was initially requested by the Economic Growth and Regeneration Team (EGRT), based upon the delivery of two and three-bedroom units only. The new proposed mix of four x 1 beds, three x 2 beds and 11 x 3 beds changes the required contribution slightly, to **£3,593**. This will contribute towards the improvement, enhancement or expansion of library facilities within Brackley that will serve the development.

Education – early years services

8.83. The EGRT has not provided a total figure for early years services, as the 'sufficiency of capacity' evidence base is currently being updated, and it is not possible to determine the current capacity and likely impact of this development on the demand. The EGRT have provided the multipliers, however, that would apply in the event a contribution was required.

8.84. The multipliers suggest that **£54,864** would be the total if a full contribution towards early years services was required due to the lack of capacity. The Council is advised that the relevant team will provide an update on this position once the sufficiency of capacity work has been completed. Further consultation with the EGRT will therefore form an integral part of the completion of a subsequent S106 agreement.

Education – primary

8.85. The EGRT advises that there are a number of schools within the vicinity of the site that would potentially serve the development, but that as of July 2021 the majority of these were operating above full capacity and exceeding the DfE's recommended capacity thresholds. A contribution towards the provision of additional capacity will therefore be required to adequately mitigate the impact of the proposed development and to ensure that children residing at the properties can attend a local school.

8.86. The multipliers provided establish that the total contribution required will be **£48,534**.

Education - secondary

8.87. Notwithstanding the figures set out by the EGRT for secondary education contributions, SNC's Infrastructure Funding Statement makes it clear that funding for secondary

education should come from CIL. Therefore, Officers contend that a separate sum should not be sought via S106.

Conclusions

- 8.88. While no site-specific contributions have been requested, the development would nonetheless result in the need for improvements and enhancements to local infrastructure in order to mitigate its impact. These contributions and provisions would need to be included in a S106 agreement. Where there is no signed S106 agreement accompanying this application, it is submitted that the application could be granted approval subject to one being prepared and signed by the necessary parties.

Procedural matters

- 8.89. Officers note the comments made by two third parties about the location chosen for the site notice. Officers opted to erect the notice on a lamppost located near 129 Fox Lane, opposite the public footpath, rather than attach it to the fence. This is because of uncertainty over the fence's ownership – it was thought that parts of the fence nearest the neighbour might be owned by them.
- 8.90. Nonetheless, the application has been appropriately publicised, with a press advert, through letters sent (twice) to all neighbours that directly border or who will be affected directly by the proposal, and through the erection of a site notice in a public place. Notwithstanding difficulties in reading the notice due to it being wrapped around a narrow lamppost, it appears to have been read and understood by those who have mentioned it in comments. The Council's obligations in respect of publicity have therefore been met.

9. FINANCIAL CONSIDERATIONS

- 9.1. As the application is outline only there is no CIL charge associated with this proposal. The total CIL will be calculated as part of any subsequent reserved matters application submitted to the Council, when details on the scale and layout are known.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The application before the Council is considered to be wholly policy compliant in respect of the principle of development. It is located in a sustainable location close to Brackley town centre, within the confines, and the facility that is being demolished is being replaced with a new facility of greater value within a reasonably short distance of the site. The scheme helps to bolster the Council's land housing supply, provides some desirable smaller units in the form of 1-bedroom maisonettes, and the applicant is proposing 40% affordable housing in compliance with the policies within the JCS and LPP2.
- 10.2. The access into the site is acceptable and does not attract any objections from the Highway Authority (HA). The exact layout and arrangement within the site is not up for consideration, but it is clear that an appropriate layout that complies with the HA's requirements is very likely to be achievable, as is acceptable off-site parking and visitor parking provision. A development of 18 residential units is considered highly unlikely to result in more daily traffic movements than the current use of the site as a place of worship creates, or what it could create if it were intensified within the scope of its existing use or changed to an alternative permitted use.
- 10.3. The indicative layout shows that an acceptable density and form of development can be provided in a way that will allow good integration with the existing grain and pattern of built form in the area. The amenities of existing and future occupiers will be maintained

and preserved, and the quality of the public realm will likely be enhanced quite significantly.

10.4. Therefore, in an exercise of planning balance, it is considered that the proposal represents a logical evolution of this site which, subject to conditions, could result in an overall enhancement to the appearance and quality of architecture and public realm spaces in this part of the settlement.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation here and full list of conditions and reasons here

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 40% affordable housing on site
 - b) Payment of a financial contribution towards off-site amenity green space and natural and semi-natural green space of £8,169.82
 - c) Payment of a financial contribution towards off-site playing fields and associated equipment of £924.70 per dwelling (index linked)
 - d) Payment of a financial contribution towards off-site children's play area and space for young people of £20,421.38
 - e) Payment of a financial contribution towards off-site allotment provision or enhancement of £1,191.59 (assuming local facilities or opportunities can be identified)
 - f) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £70 per dwelling (index linked)
 - g) Payment of a financial contribution towards educational infrastructure of £103,398, including both early years services and primary education services, assuming local early years services do not have capacity (calculated using multipliers per dwelling, index linked)
 - h) Payment of a financial contribution towards library infrastructure serving the development of £3,593 (calculated using multipliers per dwelling, index linked).
 - i) Payment of a financial contribution towards primary health care provision for the development, amount to be ascertained with the Care Commissioning Group (CCG), calculated per dwelling (index linked)
 - j) Payment of the Council's monitoring costs of £1000

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 10th DECEMBER 2021. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposal provides for facilities, infrastructure or affordable housing provision that would be required as a result of the development. This is to the detriment of both existing and proposed residents and contrary to Policy INF2 of the adopted West Northamptonshire Joint Core Strategy. Policy INF2 permits new developments only where the on and off-site infrastructure necessary to support it and mitigate its impact can be provided through a reliable mechanism (such as a unilateral undertaking or other form of Section 106 legal agreement).

CONDITIONS

TIME LIMIT & GENERAL IMPLEMENTATION CONDITIONS

Time Limit (outline)

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

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

Reserved matters

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

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

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Drawing 18285 1000 Site Location Plan received 2nd July 2021
 - Drawing 18285 1001 Existing Site Layout received 2nd July 2021
 - Transport Statement dated June 2021, prepared by Woods Hardwick and received by the Council on 2nd July 2021
 - Flood Risk Assessment and Drainage Strategy dated June 2021, prepared by Woods Hardwick and received by the Council on 2nd July 2021
 - Preliminary Ecological Appraisal by Griffin Ecology, dated August 2021 and received by the Council on 24th August 2021

- Drawing 18929-FXLN-5-SK003-B in respect of car/refuse tracking and access only, received 28th September 2021
- Drawing 18285 1010 SK03 Indicative Layout & Highway Information Overlay received 30th November 2021

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Dwelling heights

4. The new dwellings to be constructed as part of the proposal receiving outline consent as part of this application shall be no more than two-and-a-half storeys in scale.

Reason - In order to achieve a satisfactory form development that is in keeping with the character of the area and complies with policy SS2 of the South Northamptonshire Local Plan.

Maisonette sizes [bedrooms]

5. No maisonette hereby permitted as part of the proposal receiving outline consent as part of this application shall be constructed with more than one bedroom.

Reason - In order to achieve a satisfactory form development that does not create pressure for on-street parking and complies with policy SS2 of the South Northamptonshire Local Plan.

Accord with Ecological Survey

6. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation set out in section 5 of the Preliminary Ecological Appraisal by Griffin Ecology dated August 2021, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Updated species survey

7. If the development hereby approved does not commence by 1st September 2023, a revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

as it is fundamental to the acceptability of the scheme.

Biodiversity enhancement

8. A method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

Construction management plan

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason – To protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan.

Details of surface water drainage scheme

10. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- c) Confirmation that the receiving highway drain is in a suitable condition and has the capacity to accept the proposed flow of 1.6 l/wheel washing facilities;

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

Details of maintenance and upkeep of surface water drainage scheme

11. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

Land contamination – desk study

12. No part of the development hereby permitted shall take place until:

- a) a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out 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 that it is satisfied that no potential risk from contamination has been identified.

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 Strategy 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.

Land contamination – intrusive investigation

13. If a potential risk from contamination is identified as a result of the work carried out under condition 8 above, then 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
- c) 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
- d) 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.

Land contamination – remediation scheme

14. If contamination is found by undertaking the work carried out under condition 9, 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.

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

Public right of way works

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

Reason : To comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

Unexpected land contamination

16. 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

Fire hydrants

17. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason : To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

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

Verification reports re drainage

18. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment, dated April 2020 prepared by Flood Risk UK has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason – To ensure the installed Surface Water Drainage System is satisfactory, complies with policy SS2 of the Development Plan, and is accordance with the approved reports for the development site.

EV Charging Points

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

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

Details of estate road construction

20. Prior to the occupation of any dwelling, details of the proposed construction, materials

and surfacing of the access road into the site, including the bend with 18m of forward visibility, and its junction with the public highway (Fox Lane) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before first occupation of the dwellings and thereafter permanently maintained as such.

Reason - To ensure that an adequate and safe access is provided to the site in accordance with policy SS2 of the South Northamptonshire Local Plan.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Removal of PD rights – extensions [enlargements only]

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

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

Removal of PD rights – fencing/walls/gates etc

22. 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, or the flank wall of a dwelling at the junction of two roads, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : To ensure that visibility across the site is protected in the interests of public and visual amenity in accordance with policy SS2 of the Local Plan and Government guidance contained within the National Planning Policy Framework.

Prohibited working hours during construction

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

INFORMATIVES

Construction sites

1. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites.

The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working

Anglian Water

2. The applicant's attention is drawn to the informatives provided in Section 3 of Anglian Water's response received 26th July 2021.