



**West
Northamptonshire
Council**

Daventry Local Area Planning Committee

Minutes of a meeting of the Daventry Local Area Planning Committee held at Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 8 December 2021 at 6.00 pm.

Present Councillor Kevin Parker (Chair)
 Councillor Alan Chantler (Vice-Chair)
 Councillor Rupert Frost
 Councillor Rosie Humphreys
 Councillor Daniel Lister
 Councillor Peter Matten
 Councillor Wendy Randall
 Councillor Cecile Irving-Swift

Substitute Councillor Cecile Irving-Swift (for Councillor Lauryn Harrington-Carter).
Members:

Also
Present: Councillors: Phil Bignell, Charles Morton, David Smith and Jo Gilford

Apologies Councillor Daniel Cribbin
for Councillor Lauryn Harrington-Carter
Absence:

22. Declarations of Interest

Councillors Cecile Irving-Swift and Rupert Frost declared an interest in application WND/2021/0391 West Haddon as friends of the applicant and Councillor Rosie Humphreys declared an interest as a neighbour to the site. They advised that they would leave the room during the discussion and voting thereon. Councillor Rupert Frost also declared an interest in application DA/2020/1051 Badby and advised that he would leave the room during the discussion and voting on the item.

23. Minutes

Councillor Cecile Irving-Swift advised that she had submitted her apologies for the meeting on 3rd November 2021.

RESOLVED:

That, subject to the above amendment, the Minutes of the Daventry Local Area Planning Committee of 3rd November 2021 be approved and signed as a correct record.

24. **Chair's Announcements**

The Chair advised that the protocol for speaking arrangements for the planning committee had changed on 2nd December when the new Constitution had been approved at Council; however, for the purposes of this meeting the rules remained as they were when the agenda had been published the new universal Protocol on Speaking at Planning Committees will apply to meetings thereafter.

Councillors were reminded that the next meeting of the Daventry Local Area Planning Committee was taking place on Monday 10th January.

25. **Planning application DA 2020 0469 Barby**

DA/2020/0469 BARBY – Change of use of land to use as a residential gypsy caravan site comprising 5 pitches accommodating a total of 7 caravans, including no more than 5 static caravans/mobile homes, together with additional hardstanding and construction of ancillary amenity building - The Cavans, Barby Lane

The Area Planning Officer outlined the application for 5 pitches to accommodate a total of 7 caravans on a site to the west of Barby Lane. The site had previously been granted planning permission for change of use for one traveller family in 2017. It was considered that the application complied with policy. Members' attention was drawn to the list of late representations. Since the production of the late representations another representation had been received but this had raised no new issues.

Councillor Rosie Humphreys considered that the application would result in an over doubling of the existing site and highlighted that normally development in open countryside would not be allowed unless it contributed to the local economy or provided an environmental improvement. The Area Planning Officer advised that traveller sites had their own topic specific policies. The Neighbourhood Development Plan pre-dated the Part 2 Local Plan which considered the provision of traveller sites, and a balancing exercise had to be undertaken that had regard to all policies.

Councillor Alan Chantler submitted apologies on behalf of the Parish Council who had not been able to attend. The Parish Council had raised concerns that the application was contrary to the Neighbourhood Development Plan. Councillor Chantler noted that the Part 2 Local Plan had been adopted 18 months ago and a matter of balance was required. The Parish Council had requested additional screening for the site. Although it was not a planning matter, Councillor Chantler noted that he had received complaints about obstructions in the roadway.

Councillor Cecile Irving-Swift highlighted that the police and fire service had produced guidance for gypsy and traveller sites and that the guidance stated that caravans should be more than 6 metres away from each other to prevent fires from spreading. Councillor Irving-Swift raised concerns regarding the lighting from the site as it was in open countryside and could create light pollution. She agreed that it was an overdevelopment of the site.

Further to discussion regarding the screening of the site, the Area Planning Officer advised that this was covered by condition 5 but could be expanded upon if Members felt this was necessary.

Councillor Wendy Randall spoke in favour of the application and noted that it was well screened as she had not realised it was there; Councillor Randall proposed that the application be approved. This proposition failed for lack of a seconder.

The Area Planning Officer advised that with regard to stipulating a 6 metre distance between each van, although this was not a planning reason to refuse the application, an informative note could be added. The drawings showed an indicative distance between the vans only; however, it was a large site and therefore it was expected that this provision could be accommodated.

Councillor Matten proposed that the application be approved, with the condition that each van must be 6 metres apart and that additional screening be added. This was seconded by Councillor Randall and on being put to the meeting was declared lost with 3 voting in favour and 4 against.

The Area Planning Officer pointed out that the site was 80 metres in length and 65 metres wide.

Councillor Irving-Swift considered that one wash-room was not enough and there was a lack of facilities on site. The Area Planning Officer advised that Environmental Health had raised no objections to the application and the provision of washing facilities was outside the remit planning regulations. In addition to this the drawing was indicative only. A condition could be added regarding the siting of the caravans if members felt this was necessary.

Councillor Irving-Swift proposed that the application be refused as it was against the police and fire service's guidance for good design of gypsy and traveller sites, the proposition failed for lack of a seconder.

Councillor Rupert Frost considered that the design as not in keeping with the Local Plan and the site would have an adverse impact on the character and setting of the village. The Area Planning Officer advised that the site lay some considerable distance from the village and therefore this reason would be difficult to defend at an appeal.

Councillor Peter Matten proposed that the application be approved with the condition that there be 6 metres between each caravan and additional screening all the way around the site. This was seconded by Councillor Wendy Randall and being put to the meeting was declared carried with 6 voting in favour and 2 against.

RESOLVED:

That the application be approved as set out in the report, subject to the amendment of condition 5 to increase the vegetative screening and that there be 6 metres between each caravan in the interests of fire safety:

5. The additional static caravans hereby approved shall not be occupied until full details (including planting plans, species, size and proposed numbers/densities) of all proposed hard and soft landscape works, including additional planting to all the boundaries of the site, have been submitted to, and approved in writing by, the Local Planning Authority. The approved works shall be implemented as approved and shall be carried out prior to the development, or any phase of the development, being first occupied, or in accordance with a programme approved in writing by the Local Planning Authority. If, within a period of five years from the date of the planting of any tree or shrub, they or any tree or shrub planted in replacement for them, are removed, uprooted or destroyed or die (or become in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
10. The static caravans hereby approved shall sited so as to have a minimum of distance of separation of 6 metres between each static caravan.
- Reason: In order to reduce the potential of spreading fire and in the interests of health and safety.

Having declared an interest in the following item, Councillors Cecile Irving-Swift, Rosie Humphreys and Rupert Frost left the room during consideration of the following item and took no part in the discussion or voting thereon.

26. **Planning application WND 2021 0391 West Haddon**

WND/2021/0391 WEST HADDON - Construction of new cottage dwelling with associated landscaping (resubmission of previously refused scheme under DA/2020/0627) - Land adj 30, West End

The Area Planning Officer outlined the proposal for the construction of a stone built, thatched dwelling in a conservation area. The site was an open area of land, and the conservation area and Tree Preservation Orders protected the trees. The character of the conservation area derived from the open area and added to the form and character of the village. A single dwelling would cause harm to the conservation area on this previously undeveloped site. The Area Planning Officer acknowledged that development could take place in conservation areas but highlighted that the harm of the application had to be considered and whether the proposal would preserve or enhance the conservation area. It was considered that the harm caused by the application would not be outweighed by any public benefits. A similar application had been refused by the Daventry District Council Planning Committee in February 2021. This application had greater implications for the health of the trees, than the previous application, as the excavations would be more significant to drop the building down to street level.

Mr Shun spoke against the application, Mr Robertson spoke on behalf of the Parish Council and Mr Coy, the agent, addressed the Committee.

Councillor Phil Bignell, one of the local ward Members, considered that the design was sympathetic and in keeping with the current street scene. The wall was in a poor

state of repair and needed to be fixed. No objections had been raised by the Highway Authority and the Parish Council were also supportive of the application. In bringing the proposed house down to street level Councillor Bignell considered that this would improve the street scene. The views into the open space would still be retained. The site had been overgrown and had not been included in the Neighbourhood Development Plan; if the application was not approved the site would decline. Councillor Bignell considered that the proposal for an attractive thatched cottage would not cause any harm and that the trees would be protected.

The Area Planning Officer advised that all policies needed to be weighed in the balance; although the Neighbourhood Development Plan formed part of the consideration, the conservation area had been adopted more recently and this carried greater weight. The NDP had not allocated the site for housing. This proposal would not preserve or enhance the conservation area. The similar application that was refused on the site had not been tested on appeal. In defining that conservation area, a detailed assessment had been undertaken.

Councillor Wendy Randall considered that in this time of climate emergency, it was saddening to remove trees and hedgerows, and this was a major concern. The trees were substantial in size and therefore their roots would cover a large area. The open space also provided a natural habitat. Councillor Randall proposed that the application be refused, as per Officer's advice, the proposition failed for lack of a second.

Councillor Peter Matten considered that rebuilding the wall would protect the character of the area and that the trees would be protected as part of the scheme. The Area Planning Officer advised that the wall would have to be maintained by the owner to ensure that it was safe. The Landscape Officer and the Conservation Officer had raised concerns about the impact of the development on the trees, as set out on pages 44-45 of the agenda. The house, driveway and garage would all impact on the root protection area of the trees. There did not appear to be a retaining wall proposed as part of the scheme and if the soil was regraded this would impact on the tree roots also. The Area Planning Officer advised that he was not aware that the view from the Landscape Officer had altered as referred to by the Agent.

Councillor Peter Matten suggested that the application be deferred until the information regarding the tree roots issue was resolved. The Council's Solicitor advised that the Committee should make a decision based on the evidence before it, as the document referred to may not exist and as advised by the Officer no new evidence had been submitted and that the advice of the landscape officer remained as set out in the report.

Councillor Alan Chantler proposed that the application be approved as the suggested impact on the conservation area would not be significant and the benefits of tidying up the site outweighed any harm, and the wall would also be protected. This was seconded by Councillor Daniel Lister who considered that the site did not add greatly to the conservation area and agreed that the wall needed to be repaired.

On being put to the meeting, the proposition to approve the application was put to the meeting and declared carried with 3 voting in favour, 1 against and 1 abstention.

Councillor Alan Chantler proposed that the standard conditions be imposed regarding materials and that the trees be protected during construction. The Area Planning Officer added that conditions had been suggested by consultees also: archaeological conditions, a condition regarding the need to carry out contaminated land investigation and a construction management plan. The Area Planning Officer suggested that as the building would be in a conservation area, permitted development rights also be removed on any buildings within the site and that long straw be specified for the thatched roof, as this was particular for Northamptonshire. Details of joinery, doors and windows to be submitted; that changes in ground level be agreed and that the wall be rebuilt using existing stone. Members agreed to these conditions.

RESOLVED:

That the application be approved, subject to the following conditions:

1. **TA3** – 3 Year permission.
2. All works shall be carried out in strict accordance with the following plans and documents:-

Plan numbers: 4917/MAP, 4917/01, 4917/25D, 4917/22F, 4917/21F and 4917/20F as received by the Local Planning Authority on 22nd November 2021.
3. Prior to construction above slab level, full details (to include manufacturer's specifications and mixes where applicable), including representative samples, of all new and replacement materials and finishes to be used in the construction of the dwelling and detached garage, to include facing bricks and stone to be used on the walls and the roof covering on the dwelling and materials to be used on the driveway shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be carried out strictly in accordance with approved details.
4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A, AA, B, C, D, E, F, G and H of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Class A (gates fences walls etc) of Part 2 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.

6. 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.
7. The development hereby permitted shall not be commenced until details of an investigation and risk assessment scheme to assess the nature and extent of any contamination on the site have been submitted to and approved in writing by the Local Planning Authority (LPA), the approved scheme has been carried out by competent persons and a written report of the findings has been submitted for the approval of the LPA. The assessment shall include, unless the LPA dispenses with any such requirements in writing, a site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the proposed new house. The investigation must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11' and a written copy of the site investigation and findings shall be forwarded to the LPA.
8. Where the contamination risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted for the approval of the LPA. No works, other than investigative works, shall be carried out on the site prior to the confirmation in writing of approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.
9. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. No deviation shall be made from the approved scheme without the express written agreement of the LPA. The LPA must be

given two weeks written notification of the date of commencement of the remediation scheme works.

10. No development works other than that required to carry out the remediation shall be carried out until after the completion of the works required by the remediation scheme, the submission of a written closure report to the LPA and the LPA have confirmed the closure report is satisfactory. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation scheme, and confirmation of the effectiveness of the scheme in ensuring the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land as a dwelling and garden. Post remediation sampling and monitoring results shall be included in the closure report.
11. If during development, contamination not previously considered is identified, then the LPA shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.
12. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.
13. The Stone boundary wall shall be repaired on a like for like basis using matching facing materials or, if it has to come down and be rebuilt, to re-use as much of the existing stone as possible in the external face with any shortfall made up with matching stone, and for all coursing on the external face to match the existing.
14. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.

Councillors Cecile Irving-Swift, Rosie Humphreys and Rupert Frost returned to the meeting.

27. **Planning application WND 2021 0592 Weedon**

WND/2021/0592 WEEDON - Variation of condition 2 of planning permission DA/2019/0756 to increase the ridge and eaves height of the approved rear projecting first floor extension - 30, South Street

The Area Planning Officer outlined the application for a variation to increase the height and eaves height of an extension. The developers had already built a substantial part of the extension and had deviated from the plan that had been approved. Such works were at their own risk. Members were reminded that planning was a permissive not a punitive system. The owners of the house had sought to regularise their position and had submitted amended plans which had been refused and dismissed on appeal. The new application proposed to dramatically alter what had been built on site in order to bring it back to more closely resemble the approved scheme. The Committee were shown photographs of the current as built unauthorised development and how it would be altered so that it was very similar to that which had been approved originally.

Mrs Ramshaw spoke on behalf of the Parish Council and Ms Lucas, the Agent, addressed the Committee.

Councillor David Smith, the local ward Member, referring to the appeal that was dismissed considered that the first-floor extension could be viewed from a number of properties, and it was discordant with the area. Councillor Smith considered that the application was against policy and that the first-floor window on the front elevation was out of proportion.

The Area Planning Officer advised that the application had been made as a Section 73 minor material amendment. Complications arose as works to the property had already been carried out and now alterations were being made to the original proposals. With regard to the fact that a smaller window had been installed; this was not considered to be detrimental. The alterations were not considered to be significant and if Members refused the application, the applicants had a right of appeal. The Conservation Officer considered the application to be acceptable.

Councillor Rupert Frost considered that the alterations were substantial and proposed that the application be refused. The proposition was seconded by Councillor Daniel Lister.

The Area Planning Officer advised that the works that had been undertaken on site were unacceptable, however the changes that were now proposed were considered an acceptable solution and would not adversely impact the conservation area. If the application was refused, then the applicant could appeal and enforcement action would need to be considered. This application provided an opportunity to address the current issues. The eaves height on the first floor would be increasing from 6.1 to 6.2 metres and on the rear projection from 5.8 to 5.9 metres which was not deemed to be significant.

Councillor Frost proposed that the application be refused as it contravened RA1 of Part 3 of the Local Plan, as it did not protect the form and character of the setting of

the village and was contrary to policy ENV7 b,c and d. On being put to the meeting, the proposition was declared failed with 3 voting in favour and 5 against.

Councillor Cecile Irving-Swift proposed that the application be approved with a condition that the window on the front elevation of the extension be replaced with that originally proposed. This was seconded by Councillor Alan Chantler and being put to the meeting was declared carried with 5 voting in favour and 3 against.

RESOLVED:

That the application be approved as set out in the report, subject to a condition that the window on the front elevation of the extension be replaced with that originally proposed, as follows:

With the exception of the first floor front window which shall be altered in line with condition 5, the development shall be carried out strictly in accordance with drawing nos. 10290 -100, -101B, -102B, -103B, -104B, -105C, -106, -156B and -200, registered valid 15/9/2021.

Having declared an interest in the following item, Councillor Rupert Frost left the room during consideration of the following item and took no part in the discussion or voting thereon

28. **Planning application DA 2020 1051 Badby**

DA/2020/1051 BADBY - Change of use of Public House (Sui Generis) to single dwelling (Class C3) and other alteration to the grounds to form associated parking and garden areas - Windmill Inn, Main Street

The Area Planning Officer outlined the application for the change of use of a public house to a single dwelling. Members' attention was drawn to the list of late representations and advised that another late representation of objection had been submitted following its publication which had not raised any new issues. The Officer noted that this representation had been copied to Cllr Smith who would no doubt make reference to it in his address to committee.

The public house had been on the market for 2 years. A market assessment had been carried out during the course of the application and it was considered that sufficient efforts had been made to market the property. The Windmill Inn Public House was identified as a 'Community Facility' in the Badby Neighbourhood Plan and policy CW3 of the Part 2 Local Plan sought to protect local retail services and public houses. Policy B4 of the NDP stated that satisfactory evidence had to be demonstrated that the site had been marketed for 12 months or more or that the proposal included alternative provision on a site with the locality with similar facilities. There was another public house in the village which was deemed capable of servicing the needs of the village and there were other local hostleries in neighbouring villages

Mr Morris, spoke against the application, Mr Snell spoke on behalf of the Parish Council and Mr Warr, the Agent, addressed the Committee.

Councillor David Smith, one of the local ward Members, reported that he had received a letter from Whittaker Bros to advise that they were putting an offer on the property as they considered the pub to be a viable business. It was a valued pub in the locality with 250 years of history. Councillor Smith did not consider that all avenues with regard to marketing the property had been investigated.

Councillor Jo Gilford, one of the local ward Members, referred to the survey carried out by the parish council and the considerable support for the pub to remain open. Councillor Gilford considered that if it was managed well, the pub would be a viable business, as it had been in the past.

Councillor Cecile Irving-Swift enquired as to whether the offer letter referred to by Councillor Smith could be taken into account in the decision. The Council's Solicitor advised that no prices had been discussed and the offer could be derisory, therefore not much weight should be attached to it. The applicant had submitted a professional marketing report with their application and Officers had considered this when making their recommendation.

Councillor Cecile Irving-Swift suggested that the application be deferred as the industry had suffered and the parish wanted to retain the facility.

Councillor Wendy Randall considered that both pubs in the village were very different and agreed that if The Windmill was run correctly, it could be a thriving business again.

Councillor Peter Matten queried whether the pub had been for sale as it seemed to be to lease. The Area Planning Officer advised that the policy stipulated that it had to have been actively marketed and this part of the policy had been satisfied. Members needed to consider if the marketing exercise was sufficient and what other similar facilities were nearby. If permission was granted for the pub to be turned into a house it did not mean that it would become a house.

Councillor Daniel Lister queried whether Officers had received a copy of the offer letter and highlighted that there would have been difficulty in marketing the property due to the pandemic. The Area Planning Officer advised that the letter had been received too late to be considered for the meeting.

The Council's Solicitor considered that if the application were refused it could provide evidence for an appeal. Members needed to think several steps ahead in this instance. The pub could still re-open even if planning permission were granted for the property to become a house; however if the application were refused it did not mean that the property would become a pub again.

Councillor Daniel Lister proposed that the application be refused as it had not been marketed adequately and because it would result in the loss of a community asset to the village. The proposition was seconded by Councillor Wendy Randall and on being put to the meeting was declared carried with 6 voting in favour and 1 against.

RESOLVED:

That the application be refused for the following reasons:

The Council considers that the proposed development would conflict with the provisions of Policy B4 (1) of the Badby Parish Neighbourhood Plan 2018-2029 Made 2019, Policy CW3 A) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 Adopted 2020, and Paragraph 84 d) of the National Planning Policy Framework 2021, which seek to retain local services and community facilities such as public houses, where the loss will only be permitted in certain circumstances. The Council considers that insufficient evidence has been produced to demonstrate that the premises have been actively marketed for a prolonged period of 12 months or more without securing a viable community use for the facility and to demonstrate it is no longer attractive to the market for its existing permitted use. Furthermore the Council considers that the loss of this facility would adversely impact on the village as there are insufficient alternatives within the village that would compensate for its loss.

29. **Urgent Business**

None advised.

The meeting closed at 8.50 pm

Chair: _____

Date: _____