

**Application Number:** WNS/2021/1198/MAR

**Location:** Land at Norwood Farm Sandy Lane Northampton Harpole

**Proposal:** Reserved matters (scale, layout, appearance and landscaping) for the provision of sports pitches, pavilion, country park, play areas and public open space, in accordance with planning permission ref S/2016/1324/EIA.

---

**Applicant:** Barwood Development Securities Ltd

**Agent:**

**Case Officer:** Suzanne Taylor

---

**Ward:** Bugbrooke

---

**Reason for Referral:** Affects Sustainable Urban Extension

**Committee Date:** 13/12/2021

---

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

**RECOMMENDATION: GRANT DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE AND REGENERATION TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SATISFACTORY AMENDED PLANS AND RESOLUTION OF ECOLOGY MATTERS;**

### **Proposal**

Reserved matters (scale, layout, appearance and landscaping) for the provision of sports pitches, pavilion, country park, play areas and public open space, in accordance with planning permission ref S/2016/1324/EIA.

### **Consultations**

No consultees have raised **objections** to the application.

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

- Surface Water Drainage Team (LLFA); Natural England; Economic Development; Building Control

The following consultees have made **comments** on the application:

- Harpole Parish Council; Local Highway Authority; Archaeology; Police CPDA; Sport England; Recreation and Leisure; British Horse Society; Ecology

2 letters of objection have been received and 2 letters of comment have been received.

### **Conclusion**

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

The key issues arising from the application details are:

- Principle of Development
- Green Infrastructure and Norwood Farm Design Code
- Ecology Impact

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and amended plans and satisfactory resolution of ecology matters.

**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 covers approximately 104.77 hectares of predominantly agricultural land, located on the western edge of Northampton's urban area. The site is bisected by Sandy Lane running north/south. The western parcel of the site is bound by Roman Road to the north and Larkhall Lane to the south. The eastern parcel is bound by Berrywood Road to the north and extends to the rear of the residential properties located on Weedon Road (A4500) to the south. The site is characterised by varying topography, but it predominantly slopes from north to south.
- 1.2 Two parcels of land, excluded from the red line application site, are located to the east and west of Sandy Lane, the former containing existing commercial / industrial uses (a plant nursery and reclamation yard) and the latter containing residential development. A group of farm buildings (known as Norwood Farm) are located fairly centrally within the site, to the east of Sandy Lane.
- 1.3 A watercourse rises to the south of Norwood Farm and flows in a southerly direction. Trees and hedgerows characterise the boundaries of the western site parcel, whilst the eastern parcel is bound by the existing community of New Duston and St Crispin. To the north/north east lie areas of modern housing at St Crispin/Berrywood Fields. To the south west of the western parcel of the site lies the village of Harpole.
- 1.4 The boundary between Northampton and South Northamptonshire runs broadly north south through the overall site allocation, defined by Policy N9A of the LPP1. This site lies wholly within the administrative boundary of South Northamptonshire (known as Norwood Farm); the remaining portion of the N9A allocation (known as Upton Lodge) lies within the administrative area of Northampton Borough Council. A portion of the site to the north lies within the site allocation for Northampton West (defined by Policy N4) and a small portion of the site to the west falls outside any allocation and lies within open countryside.

### **2. CONSTRAINTS**

- 2.1. The application site is within:
  - Open countryside;
  - Special Landscape Area;

- 2KM of various Local Wildlife Sites (Nobottle Belt, Oldfield Thicket, Broadgow Spinney, Upton Mill North Lake, Upton Mill Dyke, Bottom Spinney, Camp Lane & Drain, Heath Spinney and Brook, Upton Mill South Lake, Berry Wood, Dallington Brook Grassland, Upton Pasture, Harlestone Firs);
- High, Medium and Low surface water flooding areas;
- Minerals Safeguarding Area buffer zone;
- Largely within Policy N9A designation and small southern portion of Policy N4 designation within the LPP1;

2.2. The following constraints lie within the site:

- Public Rights of way / bridleways cross the site (KP/016 and LB/001)
- Tree preservation order (04/1992) – the existing copse to the north east of Harpole and existing tree belt to the west of Sandy Lane;
- Various archaeological assets across the site (Probable Romano-British Settlement - MNN6119, Possible Prehistoric to Early Middle Saxon Activity - MNN7009, Possible Prehistoric & Romano British Activity - MNN1929, Possible Prehistoric To Early Middle Saxon Activity - MNN2245, Possible Trackway - MNN25153, Possible Iron Age & Romano-British Settlement - MNN7008);

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. A hybrid planning permission was granted in 2020 for Norwood Farm SUE. This granted full planning permission for the missing section of the Sandy Lane Relief Road within the site and outline permission for up to 1,900 dwellings (with associated infrastructure including local centre, primary school, public open space/Country Park).

3.2. This reserved matter application is now seeking detailed permission for various site wide green infrastructure (GI) including sports pitches, a sports pavilion, play areas (Multi Use Games Area (MUGA), Local Equipped Areas of Play (LEAP) and Local Areas of Play (LAPs)) and public open spaces (including the Country Park).

### 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
WNS/2021/0894/MAR	Reserved Matters submission relating to phase 1a pursuant to hybrid planning permission S/2016/1324/EIA. RM for phase 1a comprising 439 new homes with associated infrastructure, open space and children's Local Equipped Area of Play, with 15% affordable housing	Under consideration (see elsewhere in this agenda for details)
S/2020/2126/MAR	Approval of reserved matters (scale, layout, appearance and landscaping) for provision of site-wide road, surface water and foul water drainage infrastructure and associated landscaped open space. pursuant to S/2016/1324/EIA. The Hybrid application was accompanied by Environmental Statement	APPROVED
S/2016/1324/EIA	Hybrid planning application seeking both full and outline planning permission for:	APPROVED

	<p>Part A: Outline planning permission for a sustainable urban extension comprising: Up to 1,900 dwellings (use class C3); Public open space and children's play areas; Landscape areas, new landscape planting and hydrological attenuation features and sustainable drainage systems; Primary school (use class D1); and Mixed use local centre which may include residential (use class C3), retail (use classes A1, A2, A3, A4 and A5), and health and community facilities (use class D1).</p> <p>Part B: Full planning permission for: Demolition of any on site buildings or structures; and Routing of Sandy Lane Relief Road and associated vehicular access points.</p> <p>Application is accompanied by an Environmental Impact Assessment.</p>	
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S3 – Scale and Distribution of development
- S4 – Northampton Related Development Area
- S5 – Sustainable Urban Extensions
- S6 – Monitoring and Review
- S7 – Provision of Jobs
- S8 – Distribution of Jobs
- S10 – Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Modal Shift

- C2 – New Developments
- C3 – Strategic Connections
- C5 – Enhancing Local and Neighbourhood connections
- R1 – Spatial Strategy for Rural Areas
- RC2 – Community Needs
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- H4 – Sustainable Housing
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity
- BN3 – Woodland Enhancement
- BN5 – The Historic Environment and Landscape
- BN7a – Water Supply, Quality and Waste Water
- BN7 – Flood Risk
- BN8 – The River Nene Strategic River Corridor
- BN9 – Planning for Pollution Control
- BN10 – Ground Stability
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure requirements
- N4 – Northampton West Sustainable Urban Extension
- N9A – Northampton Norwood Farm/Upton Lodge Sustainable Urban Extension

#### South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General development and design principles
- LH1 – Residential development inside and outside settlement confines
- LH8 – Affordable Housing
- LH10 – Housing Mix and Type
- EMP3 – New Employment development
- SDP2 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF2 – Community facilities
- INF3 – Education facilities
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- GS2 – Local green spaces
- HE1 – Significance of heritage assets
- HE2 – Scheduled ancient monuments and archaeology
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- HE7 – Non designated heritage assets
- NE2 – Special landscape areas
- NE3 – Green infrastructure corridors
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSI and protected species

#### Harpole Neighbourhood Plan (NHP)

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

- Policy H2 – Integrated tenures;
- Policy H3 – Design Principles;
- H6 – Green Wedges;
- H9 – Green Infrastructure and Biodiversity;
- H10 – Protecting and Enhancing Local Landscape Character in Harpole Parish;
- Policy H11 – Traffic Management and Transport Improvements;
- H12 – Footpaths/cycleways/connectivity.

## Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Approved Norwood Farm Design Code
- SNC Design Guide
- Nortoft Study: Planning for the Future of Open Space, Sport and Recreation in West Northamptonshire
- Strategic Development Framework (SDF) - Strategic Development Framework – a document produced as a technical guide/evidence base to inform the master planning process and as a tool to guide and co-ordinate future development in West Northamptonshire. It does not constitute planning policy, but it is consistent with and amplifies the LPP1 strategic policy framework of providing a ‘plan-led’ approach to guide development of the SUE’s.

## 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
Harpole Parish Council	<b>Comments</b> Concern about implications of proposals for matched funding of sports facilities. LEMP details are to their satisfaction.
Local Highway Authority	<b>Comments</b> KP16 is a bridleway and the width should be 6.2m along its length. Recommend the imposition of a condition to require details of any works/diversions and standard informatives to draw the applicant’s attention to their responsibilities.
Surface Water Drainage Team	<b>No comments</b>
Natural England	<b>No objections</b>
Northants and Beds Wildlife Trust	<b>No comments received to date</b>

Archaeology	<p><b>Comments</b> Other than a lack of clarity about the comprehensiveness of the investigations due to smaller areas being dealt with by way of individual WSIs the proposed investigations are acceptable. Recommend archaeological mitigation is programmed ahead of any development to avoid delays later in the implementation.</p>
Northamptonshire Police Crime Prevention Design Advisor	<p><b>Comments</b> Detailed questions are asked about monitoring of CCTV, provision and monitoring of intruder alarms, use of security standard window and doors, use of security shutters, hidden windows. (<i>Officer Note: The initial submission was missing the Changing Pavilion Design Statement which contains additional information on security and addresses these issues</i>).</p> <p>Recommends that play areas should be kept separate from housing (e.g. by a road).</p>
Sport England	<p><b>Comments</b> Observe that the submitted details should align with the S106 and Condition 4 of S/2016/1324/EIA: sports pavilion (four team changing room including showers, toilets, clothes hooks and changing benches, referees/officials changing room, office, kitchen, first aid room, plant/caretakers room, externally accessible storage, separate entrance/exist for players with heavy duty matting, lockers, CCTV and security lighting with a minimum gross internal floor area of 245); one senior football pitch (approximately 116x76 yards with 3yards space surround the marked out pitch); and one junior football pitch (approximately 86 yards x 56 yards with 3 yards of space surrounding the marked out pitch) in accordance with Sport England Guidance.</p> <p>Sport England consulted the Football Foundation (responding on behalf of the FA) in relation to the proposals who provided detailed and specific recommendations about the pavilion design, the design, construction, assessment and maintenance of natural turf pitches, pitch sizes and run-off areas, community use.</p> <p>Other Comments</p> <p>If the new facility is to be utilised by Harpole FC then consideration needs to be given to the following:</p> <ul style="list-style-type: none"> <li>• Access to/from the existing club site through the existing hedge line. This doesn't seem to have been considered in these plans?</li> <li>• What impact will the new pavilion have on the existing club pavilion?</li> </ul> <p>The Football Foundation, on behalf of The FA, is supportive of this project subject to the applicant considering these recommendations and providing feedback.</p> <p>In reviewing the submitted details and taking account of the Football Foundation comments, Sport England make the following observations:</p> <ul style="list-style-type: none"> <li>- The adult football pitch dimension are in accordance</li> </ul>

	<p>with Sport England Comparative Sizes of Sports Pitches &amp; Courts (Outdoor) 2015 guidance. However, the u13/14 junior pitch dimensions are 76.46 x 49.16m which were the minimum dimension for a the pitch within the previous Sport England Pitch Guidance (2011). It should be noted that the FA no longer have a minimum pitch dimension and Sport England's recommended pitch dimension is 88x56m for an u13/14 pitch, it is therefore recommended that the dimensions should be altered as such.</p> <ul style="list-style-type: none"> <li>- Clarity is sought as to the pitch construction details and timetable for construction, which should be in accordance with Sport England's Natural Turf for Sports Design Guidance Note.</li> <li>- The entrance to the changing rooms dissects the changing rooms and its associated showers, which is not aligned with Sport England's Clubhouse Design Guidance. It is therefore recommended that the entrance location is altered in line with their guidance.</li> </ul>
Recreation and Leisure	<p><b>Comments</b> Recommends detailed specifications for the Sports Pavilion (<i>Officer Note: the building size and features are already set out and agreed in the S106 for the outline permission S/2016/1324/EIA</i>)</p> <p>Recommend the sport pitches are constructed in accordance with Sport England guidance</p>
The British Horse Society	<p><b>Comments</b> Bridleway KP16 does not appear to be annotated on the site drawings. In addition, the path to the east of the development site that is used by equestrians, cyclists and pedestrians (OSGR SP70786178 to OSGR SP70786082) for which agreement was made in 2000-2003 for a bridleway to be created is annotated on the map as open space. Seeks written assurance that (a) KP16 will be protected and that surface and dimensions will be fit for the primary intended users, horse riders, as per BHS guidance (link below) and (b) that the path to the east annotated as open space will be inclusive of horse riders, preferably dedicated as Public Bridleway again with appropriate surface and dimensions.</p>
The Ramblers	<p><b>No comments received to date</b></p>
Ecology	<p><b>Comments</b> Observes that the Environmental Statement details a number of measures to restore, maintain and enhance the retained habitats and measures to establish and maintain new habitats of long-term ecological value within the development's open spaces.</p> <p>Whilst some of these have been detailed within the LEMPs and Landscape Detailed Design drawings submitted, there are a number that have not:</p> <ol style="list-style-type: none"> <li>1. No details of how the on site pond will be restored and managed;</li> <li>2. Creation of additional ponds. There are SUDs features within the landscape detailed design but no specific standalone wildlife ponds to complement the retained on-site pond. These could be accommodated within the open space;</li> </ol>



	<p>3. Management of the existing retained woodland is not detailed, in particular around diversity of structure and age class, removal of non-natives e.g. snowberry and restrictions to public access;</p> <p>Other comments/recommendations:</p> <p>There needs to be clarity on whether the existing pond in the SW corner will be retained;</p> <p>Details need to be provided regarding the management of grassland for ground nesting birds;</p> <p>What measures are to be used to reduce disturbance to wildlife (e.g. in ponds/grassland) by users of the open space and their dogs;</p> <p>Details of how scrub encroachment is to be managed/controlled;</p> <p>Grassland meadow mix should be more site specific and utilise species of local provenance;</p> <p>Hornbeam, Beech, Sweet Chestnut and <i>Morus nigra</i> should not be used in woodland planting as they are not generally found in West Northants;</p> <p>Elder and Hornbeam are not suitable for hedgerow planting and should be suitably substituted;</p> <p><i>Alnus glutinosa</i>, <i>Tilia cordata</i>, <i>Prunus padas</i> and <i>Acer platanoides</i> are indicated for planting in and around the retained habitats or the habitats buffering these that are due to serve as biodiversity enhancements. Recommend alternative native species are substituted here and <i>Alnus</i> only planted in and around wetland areas.</p> <p>More clarification of measures relating to badgers are required;</p> <p>Recommends that the development utilises the Great Crested Newts District Licensing Scheme;</p> <p>Recommends that the LEMPs and Landscape Detailed Design drawings need updating to ensure the above are addressed.</p>
Arboriculture	<b>No comments received to date</b>
Economic Development	<b>No objections</b>
Building Control	<b>No objections</b>

## 7. RESPONSE TO PUBLICITY

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

7.1. There have been 2 **objections** raising the following comments (relevant planning matters paraphrased):

- Additional buffer planting should be provided to the southern boundary with Sandy Lane and South View (*Officer Note: comments appears to be directed more towards WNS/2021/0894/MAR – Phase 1A residential for 439 dwellings*);

There have also been 2 responses received to date making the following comments:

- Bridleway KP16 is not recognised on the Site Location Plan;
- Welcome the provision of sports facilities but would like to see these better reflect local needs and request improved netball facilities;

## 8. APPRAISAL

### Principle of Development

#### *Policy Context*

8.1. This application is a detailed reserved matters proposal and the principle of the development has already been approved under hybrid planning permission S/2016/1324/EIA in June 2020. The majority of the site lies within land allocated for development within the LPP1 under Policy N9A (Norwood Farm/Upton Lodge), with a smaller portion of the site to the north falling within the N4 (Northampton West) SUE allocation and a small portion of the site to the west falling outside of any allocation, within open countryside. The approved Norwood Farm Design Code also sets out agreed parameters for the development.

#### *Assessment*

8.2. This application can only examine the detailed matters submitted and the principle cannot be reassessed here.

#### *Conclusion*

8.3. Hybrid planning permission has recently, already been granted for this development where it was determined that the development was acceptable in principle. This application only seeks approval of details pertaining to this permission and therefore the principle of the development cannot be reassessed at this time.

### Green Infrastructure and the Norwood Farm Design Code

#### *Policy*

8.4. Policy NE4 of the LPP2 seeks to integrate existing trees, woodland and hedges into development where appropriate and seeks to resist the loss of ancient woodland, important, aged, veteran or protected trees. Where loss is unavoidable replacement planting will be required using native species where possible.

- 8.5. Policy SS2 of the LPP2 requires developments to incorporate suitable landscaping treatment. The approved Norwood Farm Design Code includes a Section on Green Infrastructure (GI) containing Landscape and Play Strategies.

*Assessment*

- 8.6. This application seeks detailed permission for 'strategic' GI that will serve the entire SUE and the wider community and includes public open spaces, the Country Park, sports pitches, a sports pavilion and play parks for the Norwood Farm SUE (NB. Details of green spaces and parks that will form part of the P1A residential phase will be dealt with as part of that reserved matters application which can be seen elsewhere in this agenda under ref: WNS/2021/0894/MAR).
- 8.7. **Public Open Spaces and Country Park** – The hybrid permission was granted subject to the provision of informal open space and a Country Park. The S106 agreement for this permission requires these facilities to be provided and the approved Land Use Parameter plan identifies the extent and location of the Country Park and public open space. The Landscape Strategy within the Design Code accords with this plan in identifying the location and extent of these spaces within the SUE. The only matters that are under consideration at this stage therefore are the detailed planting proposals, hard surfacing details (i.e. for footpaths), connections and the provision of furniture (benches and bins etc).
- 8.8. A more detailed Open Space and Play Strategy Plan has been submitted in support of this application and it aligns with the previously approved drawings. Amended plans are expected which address the Ecologist's comments on the use of particular plant species and an update will be provided.
- 8.9. **Sports Pitches and Sports Pavilion** - The hybrid permission includes provision of sports pitches and a pavilion and the details of what must be delivered are outlined in the S106 agreement. The Landscape Strategy within the Design Code adds another layer of detail to how this will be brought forward. The proposed pavilion and pitches accord with the details in the S106 agreement in respect of the size and type of facilities. This application is therefore only considering the detailed siting and the layout and external appearance of the pavilion.
- 8.10. The proposed pavilion complies with the requirements of the S106. In other words it provides: 4 No. unisex changing rooms, official's changing room, office, male/female accessible toilets, club room, kitchen, first aid room, plant/caretakers room, externally accessible storage, separate entrance for players, lockers, CCTV and security lighting in a building with a minimum gross internal floor area of 245sqm. This is subject to a costs cap of £550,000. Sport England/Football Foundation have requested some amendments to the detailed layout and Harpole Parish Council have requested a meeting to discuss the design/layout with the applicants. The applicants are preparing some amended proposals and an update will be provided.
- 8.11. **LEAPS, LAPS and MUGA (Play Provision)** – The hybrid permission requires that at least 4 LAPs, 2 LEAPS and 1 MUGA are delivered for the SUE in accordance with the S106 agreement. The Play Strategy within the Design Code identifies potential locations for 4 LEAPS and the MUGA with 2 LEAPS and the MUGA lying outside of any of the proposed residential phases. The Open Space and Play Strategy Plan submitted in support of this application identifies 1 No. MUGA, 4 No. LEAPS and 4 No. LAPS and two of the LEAPS lie within residential phases to be delivered when these come forward; (NB. One LEAP is contained within the Phase 1A application which can be seen elsewhere in this agenda under ref: WNS/2021/0894/MAR).

- 8.12. The play equipment and locations of the parks is considered to be acceptable but there is a lack of picnic benches and bench seating for some areas. The applicants are amending the plans accordingly and an update will be given.

#### *Conclusion*

- 8.13. Assuming that the amended proposals satisfactorily address the matters raised by officers it is considered that the development would accord with the approved plans, S106 agreement, Design Code and the Development Plan policies and should be approved.

#### Ecology Impact

#### *Legislative context*

- 8.14. 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.
- 8.15. 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*

- 8.16. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity.
- 8.17. Paragraph 185 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.
- 8.18. 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.

- 8.19. Policy NE3 of the LPP2 seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. 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.
- 8.20. Policy BN2 of the LPP1 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*

- 8.21. The above legislation and policies were taken into account when approving the hybrid permission but the application is accompanied by further detailed Landscape Environmental Management Plans (LEMPs) and planting schedules for the site wide GI. The Ecology Officer has made a number of specific recommendations regarding the submitted LEMPs and planting plans. As mentioned above, the applicants are preparing amended plans which take account of the comments raised and an update will be provided.

#### *Conclusion*

- 8.22. Assuming that the recommendations of the Ecology Officer are adequately addressed Officers are satisfied, in 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.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. The CIL is a set charge that must be paid if planning permission is granted for a new house (or houses) or for a home extension or retail development of over 100 sqm. The CIL helps to fund a range of infrastructure that is needed as a result of new development (e.g. road schemes, schools and community facilities). Reliefs and exemptions are available.
- 9.2. Whilst this reserved matters application does not involve the construction of any dwellings or shops and will therefore not result in any CIL payments the hybrid development is liable to pay the CIL as set out in the South Northamptonshire Council Charging Schedule.

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

10.1. The principle of this development has already been established as part of the hybrid permission and the planning balance in that case obviously came down in favour of granting permission. The applicants still need to provide some amended and additional details to Officers regarding benches and seating, the sports pavilion and planting/ecology matters but assuming these matters can be addressed to the satisfaction of Officers it is considered that the proposals would accord with the extant hybrid planning permission, Norwood Farm Design Code and the Development Plan.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

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

- 1. RECEIPT OF SATISFACTORY AMENDED PLANS AND**
- 2. SUBJECT TO THE CONDITIONS (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

**IF SATISFACTORY AMENDED PLANS ARE NOT RECEIVED BY 14 FEBRUARY 2022, DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO REFUSE PERMISSION ON THE FOLLOWING GROUNDS (FINAL WORDING DELEGATED TO ASSISTANT DIRECTOR FOR PLANNING POLICY AND DEVELOPMENT):**

- Harm to wildlife/biodiversity**
- Unacceptable infrastructure/amenities to serve development**

### CONDITIONS

To be provided as an update.