

**Application Number:** WNS/2021/0450/MAF

**Location:** Land South of The Wharf, Bugbrooke, NN7 3QB

**Proposal:** Construction of 52.no new dwellings with associated open spaces, roads and drainage infrastructure.

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**Applicant:** Barwood Homes

**Agent:** **Marrons Planning**

**Case Officer:** Suzanne Taylor/Tom Ansell

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**Ward:** Bugbrooke

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**Reason for Referral:** Significant departure from adopted development plan

**Committee Date:** 9<sup>th</sup> June 2022

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

**RECOMMENDATION:** REFUSE PERMISSION FOR THE REASONS SET OUT AT THE END OF THIS REPORT.

### **Proposal**

Full planning permission is sought for 52 dwellings (including 50% (26 No.) affordable dwellings) with a centrally located children's play area.

### **Consultations**

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

- Bugbrooke Parish Council; Surface Water Drainage Team

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

- Planning Policy, Environment Agency

The following consultees are **in support** of the application:

- Strategic Housing

25 letters of objection have been received and no letters of support have been received.

### **Conclusion**

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

The key issues arising from the application details are:

- Principle of development
- Layout and design
- Heritage Impact
- Landscape and visual impacts
- Affordable Housing
- Residential amenity
- Ecology impact
- Highways
- Flooding and drainage
- Local Infrastructure and S106 obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the reasons given below.

**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 an area of 2.4ha and is situated approximately 5 miles south-west of the edge of Northampton and 6 miles north of Towcester. Bugbrooke lies within the Nene valley and is identified as one of the district's larger villages with a good range of amenities and facilities including primary and secondary schools and a doctor's surgery.
- 1.2 The site lies on the south-western edge of the settlement between existing residential development at The Firs and The Glebe/Peace Hill (to the east) and the Grand Union Canal (to the west). It is comprised of the northernmost section of a larger 'L' shaped arable field with native species hedges at its eastern and western boundaries. Two small copses also sit within the site at the north-western and south-western corners. The copse at the south-western corner divides the larger field into (almost) two parts with the smaller northern section forming the main part of the development site and the majority of the bigger, southern section would remain as agricultural land.
- 1.3 The site lies at a lower level than the canal and the road to the north and the land falls gently to the south. The south-western corner is the lowest part of the site. The canal towpath and public right of way run along the western site boundary and another PROW runs roughly north-south through the adjoining field to the south linking to West End.
- 1.4 There are screened views of the site from the adjoining canal towpath and the canal and The Wharf to the west are within the Grand Union Canal Conservation Area that abuts the western site boundary. There are wider and more open views into the site from the surrounding fields and countryside to the south. The south-eastern extent of the site (which encompasses the proposed footpath link) would abut the Bugbrooke Conservation Area.

### **2. CONSTRAINTS**

- 2.1. The application site is adjacent to:

- Bugbrooke Village Confines
- Bugbrooke Conservation Area and Grand Union Canal Conservation Area;
- Public Right of Way: Footpath, Route Code: KD/021

2.2. The application lies within:

- Public Right of Way: Footpath, Route Code: KD/003
- 500m Canal Buffer
- Flood Zones 1 and 2
- British Waterways Major/EIA Notification Area and Minor/Household Notification Areas
- 2km buffer Local Wildlife Site: Grand Union Canal - Bugbrooke
- Sites of archaeological interest: Route of The Grand Junction Canal; Open Fields Project: Areas of Survival of Ridge & Furrow; Bugbrooke Village
- Areas of High, Medium and Low Risk of Surface Water Flooding

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

- 3.1. This application seeks full planning permission for 52 dwellings comprised of 50% (26 No.) affordable dwellings. The mix of housing would be broken down into 7 No. 1 bed units, 17 No. 2 bed units, 23 No. 3 bed units and 5 No. 4 bed units. The affordable housing would be made up of 6 No. 1 beds (4 No. maisonettes and 2 No. bungalows), 13 No. 2 bed houses, 5 No. 3 bed houses and 2 No. 4 bed houses. A variety of residential units types are proposed and would include FOGs (flats over garages), bungalows and maisonettes in addition to detached, semi-detached and terraced 2 and 3 storey houses.
- 3.2. The scheme also proposes a centrally located children's play area, the retention of the majority of the wooded areas to the north-western and south-western corners of the site and a SUDS/attenuation pond to the south-western corner. Vehicular access to the site would be from The Wharf road on the northern site boundary. A public footpath link to West End and public footpath KD/003 as well as several footpath connections to the tow path/public footpath KD/021 are also proposed.
- 3.3. The proposed dwellings would be faced in brick or stone with some clad with timber. All would have grey tile roofs. The majority of the dwellings would be brick faced with just over a third faced in stone and approximately 11% faced with timber cladding.
- 3.4. *Timescales for Delivery:* The applicant/agent has not yet provided an indicated timescale for delivery. If this is provided ahead of the committee meeting, it will be included as part of the written updates.

### **4. RELEVANT PLANNING HISTORY**

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

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
S/2019/2257/MAF	52 no dwellings with associated landscaping and infrastructure	REFUSED
S/2010/0547/MAO	Residential development of 70 houses	APPEAL DISMISSED
S/2011/1448/MAO	Residential development of 70 houses	WITHDRAWN
S/2011/0826/MAR and S/2010/0383/MAO	31 dwellings including new access on Land adjacent to Peace Hill (adjoining this site)	APPROVED
S/2015/1573/MAF	Residential development of 17 dwellings on Land off Peace Hill (adjoining this site)	APPROVED

4.2 In September 2012 an appeal against the refusal to grant outline permission for 70 dwellings on this site was dismissed. The Inspector concluded that harm to the character and appearance of the area outweighed the need for additional housing. In arriving at this view she noted that although planning permission had been granted for the dwellings off Peace Hill there was no guarantee that these would be built and therefore the development was not adjacent to the built-up limits of the settlement and the proposed scheme would not therefore consolidate the existing village boundary. She also observed that under the Interim Rural Housing Policy (which prevailed at that time) other approved/pending residential developments in Bugbrooke already met or exceeded the indicative target for new houses within this settlement. Given that the application was only in outline and taking account of the sensitive location of the site the Inspector also considered that the impacts upon the character and appearance of the area had not been adequately addressed.

## **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 2014 (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 Housing Development
- S10 – Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- C2 – New Developments
- RC2 – Community Needs
- H1 - Housing Density and Mix and Type of Dwellings
- H2 - Affordable Housing
- H4 – Sustainable Housing
- BN1 – Green Infrastructure Corridors
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- BN7A - Water Supply, Quality and Wastewater Infrastructure
- INF1 - Approach to Infrastructure Delivery
- INF2 - Contributions to Infrastructure Requirements
- R1 - Spatial Strategy for the Rural Areas

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

5.4. The relevant policies of the LPP2 are:

- SS1 – The settlement hierarchy
- SS2 – General development and design principles
- LH1 – Development within town and village confines
- LH8 – Affordable housing
- LH10 – Housing mix and type
- SDP2 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- HE1 – Significance of heritage assets
- HE2 – Scheduled ancient monuments and archaeology
- HE6 – Conservation Areas
- NE2 – Special Landscape Areas
- NE3 – Green Infrastructure Corridors
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species
- CON3 – Canal facilities and new marinas

#### **Material Considerations**

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- South Northamptonshire Council Supplementary Planning Guidance and Documents
- SNC Design Guide
- Housing Land Availability Study South Northants Area May 2021
- 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”)
- SNC Corporate Priorities - to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”.
- Bugbrooke Village 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. **Complete up to line 194 on DEF.**

Consultee Name	Position	Comment
Bugbrooke Parish Council	Object	<p>Due to following concerns:</p> <p>Contrary to policy R1;  Healthy 6.23 housing land supply;  Worsening of flooding;  Unsafe highway access;  Increase in traffic and speeding;  Increase in parking issues;  Limited public transport;  Poor access for emergency vehicles;  Pressure on village amenities and infrastructure (doctor, schools, nurseries and shop);  Houses to have has boilers and no electric vehicle charging;  Inappropriate design (especially the 3 storey dwellings adjacent to the canal);  Detrimental impact upon the rural character and setting of the village and canal;  Impacts upon archaeology, public footpaths and ecology;</p> <p>Recommend that the following are secured via S106 if the application is to be approved:</p> <p>Provision of link road from Junction 16 of M1 to Heygates;  Traffic calming and 20mph speed limit;  Drainage mitigation infrastructure;  Financial contributions for primary and secondary education within the village;  Financial contribution towards health care;  Financial contribution towards a PCSO of £16,000 pa;  Financial contribution towards Bugbrooke Sports and Community Association;  Financial contribution towards village</p>

		enhancements (bins, benches etc.); Provision of new/upgraded play facilities and surfacing adjacent to the primary school
Environment Agency	No objection	
Anglian Water	No objection	Recommend the imposition of conditions to require approval of a scheme for foul water drainage and its implementation and a number of informatives regarding Anglian assets and surface and foul water drainage
Local Highway Authority	Comments	Recommend the imposition of conditions and informatives regarding the public right of way. Recommend consultation with the Canals and Rivers Trust and a plan to show 4x axel refuse vehicle
Surface Water Drainage Team (SWDT) (AKA Lead Local Flood Authority – LLFA)	No objection	Initially objected due to insufficient information being provided to demonstrate that surface water flooding had been adequately considered.  Following the submission of additional information by the applicant the LLFA have no objection subject to the imposition of conditions to require the submission and approval of a detailed surface water drainage scheme, a scheme for its maintenance and a verification report for the installed surface water drainage system.
Archaeology	Comments	Recommends the imposition of a standard, staged condition to require submission and approval of a Written Scheme of Investigation with fieldwork and analysis as appropriate.
Northamptonshire S106 Funding for Key Services	Comments	Recommend financial contributions via S106: Primary Education - £141,754 Secondary Education - £155,395 Libraries - £10,602  Also recommend a condition to require the provision of fire hydrants and an informative relating to broadband
Police Crime Prevention Design Advisor	Comments	Recommends a closed cul-de-sac design (no footpath connection to the village) and the provision of a lockable gate at the corner of Plot 45.
Ramblers Association	Comments	The KD26 footpath along the canal does not appear to be affected.
Canal and River Trust	Comments	Recommends clarification on the removal/retention of the hedge along the canal boundary – this could be controlled

		with suitably worded conditions. Also recommends the imposition of conditions to control lighting adjacent to the canal and to agree in advance any works (attenuation pond) or landscaping that would take place within or close to the canal embankment. Further recommends the addition of informatives regarding the applicant working in liaison with CART.
Inland Waterways Association	No comments received to date	
Northamptonshire NHS Clinical Commissioning Group	Comments	Request a financial contribution via S106 towards primary healthcare of £26,437.04
Historic England	No comments	
CPRE	Comments	The development would be contrary to adopted plan policies, has not been justified and should be refused.
Northants and Beds Wildlife Trust	No comments received to date	
South Northants Volunteer Bureau	No comments received to date	
Strategic Housing	No objection	Subject to clarification of the tenure mix and Plots 43 and 48. Support the number of affordable units proposed and the mix of dwelling types to be provided. Do not object to the layout and design of the affordable units.
Environmental Protection	Comments	Recommend the imposition of conditions requiring the submission of contaminated land and noise assessments to be submitted for approval prior to commencement, a Construction Environmental Management Plan (CEMP) and provision of electric vehicle charging infrastructure (EVCP)
Ecology	Comments	Recommends the imposition of conditions to ensure that ecological mitigation and enhancements are implemented, to control site clearance and external lighting, to require re-surveying for protected species and the submission of a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) and to ensure only native species planting are used within mitigation/enhancement areas.
Waste and Recycling	Comments	Concern that cars could park in the designated route for refuse vehicles thereby causing an obstruction during collections. Queries whether any parking restrictions are to be applied to prevent this.

Planning Policy	Comments	Observe that the proposed development is outside of the village confines and that Bugbrooke is defined by the LPP2 as a Primary Service Village (PSV). The development would be in conflict with Policy LH1(2) because it is outside of the village confines and does not fall within any of the exception criteria within this policy. Comparisons have been made between this application and the recently allowed appeals in Middleton Cheney (another PSV). In deciding what weight to give to these decisions it should be noted that the Council can demonstrate a 6.32 year housing land supply (rather than the 5.14 year supply applied in the Middleton Cheney appeals) and regard must be given to 'site specific' factors.
Heritage	No objection	Subject to the imposition of standard conditions requiring approval of materials, fenestration details, architectural detailing etcetera
Building Control	No objection	Radon Protection to be ascertained. All surface water to soak away. Fire Vehicle Access to be ascertained.
Arboriculture	No comments received to date	

## 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 25 objections raising the following comments (relevant planning concerns paraphrased):

- The development is contrary to the Development Plan policies (i.e. it's outside of the village confines and doesn't fall within any of the exception criteria and there is a healthy housing land supply; contrary to Policy NE3/Green Infrastructure Corridor)
- The recent Middleton Cheney appeals are not relevant to this site as there are material differences between the villages and proposals
- Previous refusals and the dismissed appeal are most relevant to the consideration of this application
- It would set a precedent for development on the opposite side of Litchborough Road
- Existing village infrastructure and amenities will be overwhelmed (schools, doctor's surgery, shop, roads, sewage capacity) particularly when taking account of recent housing developments and approvals for additional housing in the vicinity
- Harmful impact upon historic environment (conservation area/canal and loss of ridge and furrow, inadequate landscaping to canal)
- Harmful impact upon ecology (loss of trees and habitat) and proximity to green infrastructure corridor
- Loss of green space and countryside

- Harmful impact upon the rural setting of the village, SLA and loss of village character (loss of gap between village and canal)
- Highway Safety (increased traffic, dangerous access with poor visibility, inadequate car parking provision)
- Increase air and noise pollution
- Residential amenity concerns (loss of privacy and light for neighbouring residents)
- Surface water flooding of properties off site
- Detrimental impact upon water pressure
- Overdevelopment/out of scale
- Too many large 5 bed houses
- The design and materials for the proposed houses are inappropriate for the area
- Concern that electricity supply to the village would need to be modified
- Inappropriate design (3 storey houses adjacent to the canal)
- Concerns about the footpath link between the site and West End (it would generate a need for dog fouling controls and existing residents of The Glebe, The Leys and West End would experience a loss of privacy and be more vulnerable to crime/disorder, light pollution from street lighting along new footpath)
- Light pollution
- Detrimental impact upon enjoyment of rural countryside
- If permission is to be granted conditions to require the maintenance and protection of hedges along site boundaries should be imposed

7.2. One comment has been received to date making the following observations (relevant planning matters paraphrased):

- Adequate infrastructure needs to be secured to support the development if permitted to avoid further pressure on schools and village amenities

## **8. APPRAISAL**

### Principle of Development

#### *Policy Context*

8.1. The adopted Development Plan for South Northamptonshire comprises the West Northamptonshire Joint Core Strategy (LPP1) and the Local Plan Part 2 (LPP2).

8.2. LPP1– this Plan was adopted in December 2014. Spatial Objectives 1, 3, 11 and 12 are amongst those that provide direction to the policies of the LPP1. These seek to provide a range of housing in sustainable locations; to reduce the need to travel and promote sustainable travel modes; to ensure all residents have access to a home that they can afford and that meets their needs; and state that housing development will be focused at the most sustainable location of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. Limited development will take place in the rural areas to provide for local needs and to support local services. Alongside this is the objective to protect and support rural communities to ensure they thrive and remain vital. The LPP1 policies most important for determining the acceptability in principle of development are policies SA, S1, S3, S10 and R1.

8.3. LPP2 – this plan was adopted in July 2020 and replaces Saved Policies from the 1997 Local Plan. LPP2 establishes a new settlement hierarchy and settlement confines for the District as well as a range of general development management policies used to determine proposals. Policy SS1 establishes that Bugrooke is a Primary Service Village,

which are settlements likely to be more suitable for limited development than Secondary or Small Villages. The most important policies in LPP2 for determining the acceptability in principle of development are Policies SS1 and LH1.

- 8.4. Housing Land Supply – a Housing Land Availability Study South Northants Area from May 2021 demonstrates that there is a supply of 6.23 years of deliverable housing sites and this supersedes the April 2020 Study which found there was a supply of 8.26 years of deliverable sites.

#### Assessment

- 8.5. LPP1 is now over 7 years old. Accordingly, a review of the LPP1 policies was undertaken in accordance with the Town and Country (Local Planning) (England) Regulations 2012 (as amended). This review identified that many of the policies in the LPP1 remain up to date and consistent with the NPPF. It is on that basis that they should continue to be given full weight as part of the development plan for the purposes of decision making. This includes policies S1 and R1 and, importantly, Policy S3 which should continue to be used for the purposes of 5-year housing land supply calculations until such time as the West Northants Strategic Plan is produced.
- 8.6. Policy S1 sets out the general distribution of growth across West Northamptonshire, with development in rural areas being limited with an emphasis on enhancing and maintaining character and vitality, shortening journeys and facilitating access to jobs and services, strengthening rural enterprise and linkages between settlements, and respecting tranquillity.
- 8.7. Policy R1 addresses the specific distribution of rural growth, which is to be informed by settlement hierarchies established in LPP2. In all cases development in the rural areas will be required to provide an appropriate mix, including affordable housing; to not affect open land of particular significance to the form and character of the village; to preserve areas of historic and environmental importance; to protect residents' amenities; to be of an appropriate scale; to promote sustainable development and to be within existing confines unless there are particular or exceptional circumstances. R1 goes on to say that once the requirement for the rural areas has been met development will only be permitted where specific criteria apply, including the retention of a local facility or service (criteria (ii)) where this is supported by an effective community consultation exercise (criteria (iii)).
- 8.8. The proposed development is not considered by Officers to comply with the requirements of Policy R1 in respect of its location outside the village confines. The application is directly in conflict with R1(g) as there are no exceptional circumstances (as set out by the policy) that would justify development outside the confines in this instance. The development would provide affordable housing and could make appropriate contributions to local infrastructure but is not exceptional in this respect. In terms of LPP2, such development is also not supported by Policy SS1 for Primary Service Villages and Policy LH1 concerning residential development inside and outside of settlement boundaries. New development should be within the settlement boundary unless otherwise indicated in the Plan. In this instance the site is not otherwise allocated for housing in the Plan and the development would not fall within any of the exception criteria such as; starter homes; entry level and single plot exception sites; self and custom built homes; specialist housing; residential and nursing care.

#### Material considerations

- 8.9. The Development Plan is considered up to date and therefore full weight can be applied to it. However, Officers consider it prudent to look at material considerations that could influence the Council's position on this submission.

- 8.10. Firstly, it is noted that policy compliant affordable housing provision has been provided (and could be secured via a legal agreement if the Council were mindful to approve). While Strategic Housing have comments about individual plots and how they are designated, they have acknowledged a need for affordable housing units and have no objections in principle. The scheme would deliver 26 affordable units, going some way to meeting the demonstrable demand. Positive weight is afforded to this.
- 8.11. Secondly, the settlement of Bugbrooke is a 'Primary Service Village' as established by policy SS1 of the Part 2 Local Plan. A settlement of this designation is recognised as having *'the highest levels of services and facilities'*, meaning that, outside of the rural service centres, they are regarded as being the most sustainable locations within the district to focus new development.
- 8.12. This designation is shared with four other villages, more notably Middleton Cheney, which has recently had two housing developments (totalling around up to 74 units) approved outside of the settlement confines by a Planning Inspector (appeal references APP/2830/W/20/3261483 (Waters Lane) and APP/2830/W/20/3259839 (Thenford Road)). Importantly, these decisions acknowledged that the Council *did* have an up-to-date housing supply, but the schemes were granted despite this, due to *'very site-specific context'* of the proposals.
- 8.13. Lastly, it is acknowledged that the only issue with this application, notwithstanding the absence of a draft S106 agreement, relates to the principle of development, and the scheme being contrary to the development plan. Essentially, the only harm caused by the proposal arises from this conflict.
- 8.14. The material considerations, including the benefits of affordable housing as set out in paragraph 8.10, must be considered against the harm to establish whether they justify the Council taking an exceptional approach to the application, notwithstanding the conflict with the development plan.

#### *Hierarchy Matrix & Public Transport*

- 8.15. Before a direct comparison is drawn between the two settlements, Officers consider it prudent to address correspondence recently submitted to the Council ahead of the committee meeting. One of the points made within this correspondence is that Bugbrooke actually scores one point higher than Middleton Cheney in the Council's Settlement Hierarchy Matrix. Bugbrooke's score is 82, whereas Middleton Cheney's score is 81.
- 8.16. On face value alone, this figure suggests that Bugbrooke's overall sustainability is actually better than Middleton Cheney's. The conclusion of which is more or less suited, as a settlement, to absorbing substantial new residential development is more nuanced than simply referring to figures within the Matrix. Therefore, it is important to consider why the scores might be different, and why this is (or is not) significant.
- 8.17. The main difference between Bugbrooke and Middleton Cheney is that the former has a GP surgery, providing it a score of '10' on the Matrix for this 'Most Important' service/facility. The GP surgery within Bugbrooke is 1.1km away from the site at The Wharf, which the Council accepts is walking distance, although as will be discussed later on the footpaths within and around the village's core are not consistently welcoming to those who are on foot, and particularly those with mobility issues or who are pushing buggies.
- 8.18. Middleton Cheney has a limited hours GP service, and other GP surgeries are in Banbury around 6km away. It scores a 5, as a result. However, Middleton Cheney 'earns' back

some of the lost points by outscoring Bugbrooke on two 'Less Important' services. Middleton Cheney has a permanent library, scoring two points to Bugbrooke's 0, and it also has a social club, which Bugbrooke also scores 0 on, while Middleton Cheney scores 2.

- 8.19. The question is, therefore, whether Bugbrooke benefitting from a GP surgery within the settlement causes it to be directly comparable to Middleton Cheney in all regards, and, as such, allows the Council to take the same approach with this site as the Inspector did in Middleton Cheney?
- 8.20. Officers remain unconvinced. The Matrix recognises that Middleton Cheney isn't *without* a GP service, simply that it is not available all the time. In addition to this, those needing to travel to Banbury to attend a more available surgery by public transport have access to a more frequent (half-hourly) bus services to both Banbury and Brackley, (the number 500).
- 8.21. Bus services to and from Bugbrooke are less frequent (hourly), and while those attending a GP surgery from the site at the Wharf won't necessarily need to use public transport, when taking an end user's all travelling needs into consideration, Bugbrooke is arguably less well-served by public transport than Middleton Cheney, making it more likely for its occupiers to rely on private vehicle journeys. Its nearest settlement is Northampton; there is no real prospect of Towcester being considered a viable rural service centre alternative as it can only be reached by bus by travelling into Northampton first.
- 8.22. Officers accept that these facts are not necessarily picked up by the Matrix, which applies a score if the settlement has an hourly (or more frequent) service to an urban area or higher order settlement. However, there are clearly material differences in convenience between an hourly and half-hourly bus service, and the options of having access to one or two higher order settlements, to which Officers afford weight given the village's need to absorb significant new development.

#### *Comparisons to Middleton Cheney appeal sites*

- 8.23. Officers will now look at other comparative sustainability factors of the settlements of Middleton Cheney and Bugbrooke, noting the Matrix, but providing a more site-specific analysis. This is consistent with the Inspector for the Middleton Cheney sites; in their concluding statements for the Middleton Cheney appeals referenced in paragraph 8.12 the Inspector was very clear that the decisions were made *'having regard to the very site-specific factors relating to this appeal'*. Therefore, the fact that Middleton Cheney and Bugbrooke are both Primary Service Villages (PVs) as designated in the LPP2 does not, by itself, carry significant weight in favour of the scheme before Members today.
- 8.24. In Paragraph 93 of the Waters Lane appeal, the Inspector notes that Middleton Cheney is the *'largest PSV in terms of number of householders and second largest by population'*. The Inspector lists a wide range of services and facilities that Middleton Cheney benefits from, including schools, shops, a library, a church and a public house. Its proximity to Banbury and Brackley (as higher order settlements) was also noted, along with public transport opportunities. The Inspector found that the village of Middleton Cheney was accessible, with no material conflict with policy C2 of the Joint Core Strategy (which seeks to maximise travel choice from non-car modes in new development).
- 8.25. Bugbrooke is not as large as Middleton Cheney either in area covered or population. Notwithstanding this, it does benefit from a wide range of facilities and services, including schools, a doctor's surgery and pharmacy, a general store, a takeaway and three public houses.

- 8.26. The two Middleton Cheney sites are located on the eastern side of the village, but relate closely to the existing built form and infrastructure (i.e. roads and footpaths). Main Road, the two-laned highway that runs through the built-up centre of the village from the A422 and which provides easy pedestrian access to most of the facilities (and along which a footpath of usable quality runs most, if not all, of its length) is only 100m or less from the edges of the two developments. Middleton Cheney's facilities are somewhat concentrated on the western side of the village, although reaching these can be achieved via a number of different routes on foot through existing housing estates. Those travelling on foot do not have to necessarily follow the Main Road if they would prefer not to.
- 8.27. This application site, by comparison, is located on the western edge of the village, in a location that is arguably less associated with its built form and somewhat distant and disconnected from the village core. To travel from the edge of the site to High Street, the main highway that runs through the built-up centre of the village, where there are shops and access to other services, requires a walk of around 700m.
- 8.28. Having had regards for the options available to public highway users, the routes through and around Bugbrooke are little more hostile to users due to the poor quality (or absence of) footpaths through West End and at certain points along Great Lane. These footpaths could likely be particularly unfavourable for pedestrians with buggies or those with mobility issues. The primary school is nearly 900m away, and the secondary school closer to 1.6km, so such infrastructure needs to be in good, usable condition (or exist in the first place) to appropriately encourage use of non-car methods of transport, even within the settlement.
- 8.29. Officers therefore consider the Waters Lane and Thenford Road sites in Middleton Cheney to better-relate to the settlement and are much closer to the main thoroughfare through the village, thus providing pedestrians with more opportunities for accessing the village services on foot. By comparison, occupiers of this proposed site in Bugbrooke are *more likely* to consider using vehicles to visit other services within the village, given the distance they are from the main thoroughfare within the village and, crucially, the relatively poor quality (or lack) of the infrastructure available to utilise walking routes.
- 8.30. Looking at both villages' relative position to higher order settlements now, Bugbrooke is between 4.5m and 6.5m away from larger scale employment and shopping facilities (as an example) on the edge of Northampton (Sainsbury, Sixfields and Tesco Mereway respectively). Northampton Railway Station is around 6m away, although the bus ride is nearly 40 minutes (and requires two buses).
- 8.31. The highway infrastructure around Bugbrooke is a mix of national speed limit two-way country roads and speed-limited dual carriageway. While the highway network is well established, the initial highways are of a lower status ('Banbury Lane' being the main road between Bugbrooke, through Rothersthorpe and into Northampton).
- 8.32. Middleton Cheney is approximately 3.5m east of Banbury and its employment opportunities and larger scale shopping facilities. Banbury is accessed along a dual carriageway (the A422) which crosses the M40 (junction 11). There is no need for those visiting Banbury from Middleton Cheney to pass through any smaller settlements or negotiate poor quality roads. The village is around 4m from Banbury Railway Station, which can be reached using public transport (bus) in 25 minutes.
- 8.33. Those opting to visit Brackley instead can use the A422 heading due south-east, which is a wide, free-flowing two-laned road of good quality. It does, however, pass through Farthinghoe, a smaller village.

- 8.34. Notwithstanding this, the sites at Waters Lane and Thenford Road both benefit from a close relationship to a very large settlement which can be reached via a superior highway network that facilitates faster and easier accessibility to employment and larger scale shopping opportunities. Banbury's railway station can be feasibly accessed via public transport directly from Middleton Cheney, whereas Bugbrooke is further afield and requires two busses, making it a less feasible option. Its public transport options to local employment sites are also less convenient (as discussed earlier – hourly busses instead of half-hourly).
- 8.35. The conclusion from the above assessment of each settlement is that, while they are both PSVs as identified in policy SS1 of the LPP2, and notwithstanding the scores on the Matrix (now identified as being caused by Middleton Cheney's GP surgery not being accessible every day), Middleton Cheney is arguably the more sustainable of the two. The sites appraised by the Planning Inspector are materially better suited to taking advantage of what makes Middleton Cheney sustainable due to their respective relationships to the village, the proximity of the village to higher order settlements and the highway infrastructure that exists between them.
- 8.36. Bugbrooke does undeniably benefit from a wide range of services, nearly comparable with Middleton Cheney (and it does have a fully accessible GP surgery), and Officers stress that the purpose of this appraisal is not to argue that it is an *unsustainable* location in the broader sense.
- 8.37. Instead, it is submitted that due to this particular site's relationship (i.e. its distance) to the village core, the poorer public transport services (less frequent busses to a single larger settlement vs more frequent busses to two larger settlements), the lower number and quality of footpaths and walking opportunities between the site and the settlement's services and facilities, and the distance from higher order settlements (combined with lower grade highway infrastructure), it is not appropriate to draw parallels between this and the Middleton Cheney appeals.
- 8.38. As such, the '*very site-specific factors*' that caused the appeals to succeed in Middleton Cheney should not be afforded weight as part of the decision-making process for this application in Bugbrooke.

*Greens Norton appeal decision*

- 8.39. Officers have had sight of an appeal decision (APP/Z2830/W/21/3267906) which was recently issued, dismissing an appeal against a resolution to refuse permission for up to 69 dwellings outside the settlement confines of Greens Norton, a third category Secondary Village (A). This settlement scores much lower than either Bugbrooke or Middleton Cheney in respect of the Matrix referred to earlier (64).
- 8.40. Of interest within the Inspector's decision is the heavy focus on the adverse impact of permitting development that would result in future residents '*relying on the private motor car to access regular requirements such as education, shops and employment*'. This statement (paragraph 19) was made in respect of the absence of suitable walking and cycling routes to higher order settlements, and in this regard, Officers concede that neither Middleton Cheney nor Bugbrooke would score highly in this regard either.
- 8.41. The two settlements being compared in this report are admittedly better equipped with services and facilities in the first place, particularly in terms of education. Larger shops – supermarkets – and larger scale places of employment, however, are comparably (if not more poorly) located relative to Greens Norton, which is only 2 miles from Towcester (Banbury is further from Middleton Cheney, and Northampton is further from Bugbrooke).

- 8.42. Taking walking and cycling out of the equation, but considering instead public transport, which Officers consider to be equally important in terms of reducing the reliance on private motor vehicles, Bugbrooke undoubtedly falls behind Middleton Cheney with its less frequent bus service, and longer travel times to the larger settlement of Northampton. Particularly, when distances to other forms of public transport are considered (i.e. railway stations), Middleton Cheney is far superior.

*Affordable housing*

- 8.43. Turning to another factor that appeared to heavily influence the outcome of the Middleton Cheney appeals, the delivery of affordable housing was afforded significant weight by the Inspector. The following paragraph summarises the Inspector's position:

*'On a District wide basis there has been a substantial under provision of affordable housing, with some households having to wait over a year for a home. These are households in need now and thus the provision of 27 affordable homes in an accessible location is a consideration that attracts significant weight in this case. Both parties agree therefore that the affordable housing provision secured should be given significant weight in this case.'*

- 8.44. Officers do not have any figures before them to demonstrate whether the under provision of affordable housing has been measurably addressed since the preparation of the Middleton Cheney appeal hearing and decision. Given the relatively short period of time that has elapsed between the two, it is highly unlikely that the shortfall has been significantly addressed. Consequently, it might be argued that this scheme would also address an immediate need and as such similar importance should be given to securing the delivery of 50% affordable houses as part of the proposed scheme.
- 8.45. While Officers agree that affordable housing provision should be afforded weight, it is questioned whether the same 'significant' weight should be applied.
- 8.46. Firstly, as discussed in the paragraphs above, the accessibility of the site relative to the two sites in Middleton Cheney in respect of proximity to the village, services within the village, higher order settlements etc, is inferior, notwithstanding the designation 'Primary Service Village'. While the settlement is not unsustainable, the location is not as accessible, *relatively speaking*, and as such less weight (albeit by a small degree) should be given to the securing of affordable housing in this location.
- 8.47. Secondly, and arguably of more importance, is the cumulative impact of permitting market-led schemes outside of the settlement confines; specifically, the harm that such an approach would have on the adopted spatial strategy. There is a tangible risk that supporting a market-led housing development outside of the settlement confines simply because there are no other conflicts with the development plan, *and* the Council secures some affordable housing, will serve in the long term to severely undermine the spatial strategy and plan-led approach of focussing development in accordance with the adopted settlement hierarchy.
- 8.48. The plan-led approach has been recognised and was addressed (to an extent) by the inspector determining the Middleton Cheney appeals, who stressed that it was only because of very site-specific factors (i.e. the size and sustainability of the village and the relationship of the sites to the village) that, together with the provision of demonstrably needed affordable housing, meant that the schemes before them were felt to be acceptable.
- 8.49. More pertinently, two recent appeal decisions in Milton Malsor and Blisworth (APP/Z2830/W/21/3269904 – Lower Road Milton Malsor and APP/Z2830/W/21/3270614

– Land off Northampton Road Blisworth) sought to challenge the Council's housing land supply, and in both cases failed. The Development Plan has therefore very recently been robustly tested and confirmed as being up-to-date, with the Council benefitting from a housing supply in excess of 6 years. The Council is therefore correct to determine proposals for housing in accordance with the Development Plan as required by the NPPF.

- 8.50. In that context, despite the material considerations weighing in its favour (i.e. the relative sustainability of the settlement, the provision of affordable housing), the harm caused through the conflict with the development plan must be afforded significant weight.
- 8.51. A further concern is that in referring to the delivery of 50% affordable housing as a reason to support a market-led scheme that is *contrary* to the development plan wholly undermines the existence of policies within the plan that are intended to specifically encourage the delivery of affordable housing. For example, the Council recognises that there are opportunities for exception sites (i.e. 100% affordable housing) to be brought forwards on sites that are not necessarily within the settlement confines, but directly adjacent to them. The site before the Council today could potentially deliver a *policy compliant* scheme of purely affordable housing units, more comprehensively addressing the short fall of affordable housing within the district. However, it is very hard to imagine such a scheme ever being proposed if permission were granted for a market-led scheme.
- 8.52. Therefore, in addition to generally undermining the adopted spatial strategy, which has very recently been confirmed to remain up to date, by affording such weight to a market-led scheme's delivery of affordable housing that it forms a basis for supporting the scheme, the Council risks more severely undermining adopted policies within that plan that are attempting to meet that need in a policy compliant fashion.

### *Conclusion*

- 8.53. The Council can demonstrate a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply. The proposed development does not comply with policy R1 of the LPP1 or policies SS1 and LH1 of LPP2 and is therefore considered to be unacceptable in principle unless there are material considerations that outweigh these policies. The material considerations applicable to this scheme have been identified and appraised above.
- 8.54. A detailed summary and final conclusion will be provided in the Planning Balance and Conclusion section.

### Layout and Design

#### *Policy Context*

- 8.55. The NPPF recognises the importance of delivering well-designed, attractive and healthy places. The creation of high-quality buildings and places is considered fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Achieving high quality design is also a key strategic objective of the Council's with appropriate policy safeguards set out in both LPP1 and LPP2.
- 8.56. Policy H1 of LPP1 seeks to deliver an appropriate mix of house types, sizes and tenures and for development to have regard to the site's location and setting; existing character and densities and living conditions.

- 8.57. Policy SS2 of LPP2 sets out general development and design principles and seeks to protect the identity of its towns and villages; to ensure that development integrates with its surroundings and distinctive local character; provides a safe, accessible and inclusive environment; includes integral landscaping and sensitive lighting; provides a good standard of amenity, safe and suitable access and contributes to a healthy community.
- 8.58. South Northamptonshire Council adopted a Design Guide in 2017 which is a material planning consideration for all development throughout the district. This document establishes a benchmark for high quality design standards for new development; improves understanding of the specific character and context of South Northamptonshire and brings greater certainty to the design element of the planning process to help speed up delivery and maintain a high quality of development within the District.

#### *Assessment*

- 8.59. The applicant has worked collaboratively with officers to produce a development which accords with the Council's adopted Design Guide; amending the proposals in response to issues raised by the case officer and responses to the consultation.
- 8.60. The development seeks to respond to the canal-side and edge of village context, as well as to the adjacent developments. Established boundaries are retained and can be reinforced with appropriate landscaping, mature trees are retained, new connections are proposed to the existing PROW along the canal and an additional footpath is created along a desire line which would link the development to West End and another PROW. A landscaped buffer will be retained and enhanced on the southern boundary adjacent to a new SUDS/attenuation pond and dwellings have been oriented to face outwards on all site perimeters except where they are backing on to the rear boundaries of existing dwellings.
- 8.61. The dwellings are primarily arranged as outward facing perimeter blocks or to ensure that defensible, private amenity space is provided as a buffer for the rear gardens of existing houses (i.e. 'back-to-back') in accordance with good urban design principles.
- 8.62. Public amenity space is quite limited on site and focussed on buffers to the site's southern and northern edges and to a small play area located in the centre of the site. The site also has direct and easy access to the wider public rights of way network.
- 8.63. Parking is primarily provided on plot and accords with the Council's adopted standards. Each individual property (excepting one of the flat over garage (FOG) units) has a reasonably sized outside garden and space for bin/cycle storage.
- 8.64. The Parish Council and local residents have raised concerns about parking provision. The number of parking spaces complies with the Council's adopted Parking SPD 2018 (2 spaces for 1-3 beds and 3 spaces for 4 and above beds) as does the size of spaces. The Design Guide states that parking should usually be on-plot, to the side of a dwelling and the Parking SPD states that; "*On-plot tandem (in line) parking is less convenient than spaces positioned side by side. This is because one vehicle often has to be moved out into the road to allow the other to exit. However, although side-by-side parking is preferred, on many new developments it is accepted that density and space constraints mean that it is not viable for all units. Tandem on-plot parking will therefore be acceptable.*" It is noted that tandem parking is also evident on the adjacent development and is not uncharacteristic.
- 8.65. Parking courts are also accepted to be a reasonable option in the Parking SPD as long as they are small, secure, well-lit, conveniently placed and have room to manoeuvre.

- 8.66. The homes are designed in the rural 'vernacular' with narrow gable spans, steeply pitched roofs and detailing which reflects the Design Guide. Almost all homes have chimneys (except the bungalows); window proportions and architectural detailing have been carefully considered and also largely comply with the Design Guide. 19 of the properties will be finished in natural stone, including 10 of the affordable units. Design of the affordable units overall is tenure-blind. Where parking courts are used, they are few and far between, small, well overlooked and suitably hard surfaced.
- 8.67. Although a Boundary Treatments plan has been supplied, treatments to the fronts of dwellings are not specified at present. Rear boundaries with existing residential properties are proposed to be 1.8m high close-boarded fences which would maintain security and privacy for existing and future occupiers. Enclosures that are prominent within the public realm and around parking courts are proposed to be brick walls which will create a high-quality appearance for the development in the interests of visual amenity.
- 8.68. A colour palette for front doors has been submitted which complies with the Council's Design Guide.
- 8.69. There has been some local concern raised about the proposed 3 storey dwellings adjacent to the canal. This house type was provided by the applicants in response to comments made by Heritage and planning officers and the Canal and Rivers Trust (CART). The use of three storeys is thought to better reflect the existing Wharf building on the opposite side of the canal and is typical of other canal-side buildings that can be found in the district (e.g. Stoke Bruerne, Kislingbury, Blisworth). Following an amendment to make the front of the balconies flush with the front wall of the building officers and CART are content that this design is appropriate in this location.

#### *Conclusion*

- 8.70. The scheme is welcomed in design and layout terms and demonstrates compatibility and integration with its surroundings and the distinctive local character of the area in conformity with development plan policies and the adopted Design Guide.

#### Heritage Impact

##### *Legislative and policy context*

- 8.71. The site is within and affects the setting of a Conservation Area.
- 8.72. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.73. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 8.74. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should*

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy BN5 of LPP1 echoes this guidance.

- 8.75. Policies HE1, HE5 and HE6 of LPP2 guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.

#### *Assessment*

- 8.76. The application is supported by an Archaeological and Heritage Assessment supplied by the applicant. This concludes that with suitable measures, such as the reinforcement of the pre-existing planting along the Site boundary and the sensitive design and maintenance of the SuDS, the effect of the proposed development on the Grand Union Canal Conservation Area would be neutral. It also concludes that the development would not be harmful to the Bugbrooke Conservation Area.
- 8.77. The applicants have responded to comments from Officers and the Canal and River Trust (CART) and revised the scheme to remove harmful impacts upon the conservation area and to ensure that the scheme would be sympathetic. The Heritage Officer is content that the amended design and layout would not result in any harm to the significance of the conservation areas. Similarly, the Canal and River Trust are also satisfied that the proposed development would not be detrimental to the character and appearance of the canal conservation area subject to the retention of the existing hedge and suitable landscaping.
- 8.78. In terms of archaeology the County Archaeologist has no objections to the scheme subject to a standard condition to require appropriate investigation and recording thereby ensuring that the development would not result in the loss of anything of archaeological significance.

#### *Conclusion*

- 8.79. Assuming that a suitable, detailed, soft landscaping scheme can be provided for the boundary with the canal it is considered that the impacts of the proposed development will not be detrimental to the significance of heritage assets in accordance with development plan policies BN5 of the LPP1 and HE1, HE2 and HE6 of the LPP2. The applicants soft landscaping plan demonstrates that the existing tree/hedge boundary is beyond their site and therefore this will not be affected by the development. A condition can be imposed to require further details of soft landscaping treatments for the site boundaries.

#### Landscape and Visual Impacts

##### *Policy Context*

- 8.80. LPP1 Policy R1 requires development to not affect open land which is of particular significance to the form and character of the village; to preserve and enhance areas of historic or environmental importance including those identified in Village Design Statements and to be of an appropriate scale to the settlement. Policy S1 (criteria D) requires development in the rural areas to be limited, with the emphasis on respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities.

- 8.81. Policy SS2 of LPP2 requires development to maintain the individual identity of villages and to not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement and to integrate with its surroundings and the character of the area.
- 8.82. The Catesby, Fawsley, Maidford and Litchborough Special Landscape Area (SLA) lies to the east of the site on the opposite side of the canal which forms the eastern site boundary so consideration should be given to Policy NE2 (SLAs) of the LPP2. The policy itself refers only to developments that are within an SLA and not adjoining but the preamble to the policy does state that: “*Any development proposal within or affecting an SLA will be expected to be sympathetic in terms of its siting, form, scale, materials and design and to contribute positively to the conservation, restoration or enhancement of the area’s character and appearance*” (Officer’s emphasis with underline).

#### *Assessment*

- 8.83. The application is accompanied by a Landscape Visual Appraisal which concludes that no landscape impact as a result of the development would be ‘substantial’ although there would be a number of major/moderate adverse effects on viewpoints within or immediately adjacent to the site in the short-term. It notes that there would be no material effect upon the wider landscape.
- 8.84. An independent review of an earlier version of this appraisal submitted in support of the previous planning application suggests that some of the effects may have been downplayed slightly and that the assessment could be more thorough. It was recommended that the existing hedge should be augmented to reduce the impact of the development. It was also agreed that the conclusions of the earlier version of the LVA (that there would be no substantial effects upon the landscape) were correct and the similarities between the earlier and current LVAs satisfies Officers that this conclusion is still applicable.
- 8.85. Since the earlier appeal for 70 dwellings on this site was dismissed in 2012 there has been a material change in the character and appearance of this part of the village due to the construction of residential developments at Peace Hill and The Glebe. These developments extended the built-up confines of the village, which is reflected in the extension of the village confines boundary in the recently adopted LPP2. Whilst previously a development on this site would have been somewhat disconnected from the main built-up extent of the settlement the site is now directly adjacent to an existing residential area. Officers consider that the proposed scheme would represent the logical infilling of gap between the edge of the village confines and the defensible boundary of the canal. The southern building line formed by The Leys, The Glebe and Bugbrooke Marina would not be breached by buildings from this development.
- 8.86. Views from and towards the canal and SLA are only glimpsed through the existing hedge and additional planting along this boundary would help to limit the impacts upon the landscape to the west. The topography of the land to the north and existence of existing residential development to the east mean that there would be only very limited landscape/visual impacts when viewing the site from these directions. There would be some longer distance views of the site from the south, but these would be fairly limited, and the proposed scheme would be seen as a continuation of the existing village. Additional planting to the south and in the vicinity of the existing copse and proposed attenuation pond would soften the appearance of the development.

#### *Conclusion*

- 8.87. With conditions to ensure that soft landscaping along the canal boundary and southern site boundary are to be protected, retained and augmented Officers consider that the landscape and visual impacts of the development upon the wider landscape and adjoining SLA would not be so significant as to justify refusing permission.

### Affordable Housing

#### *Policy Context*

- 8.88. The Council's affordable housing requirements as set out in LPP1 amount to 3,300 between 2011-2029; or 183 units per annum. The West Northamptonshire Strategic Housing Market Assessment (SHMA) 2010 highlights the increasing shortfall of affordable housing across West Northamptonshire.
- 8.89. Policy LH8 of LPP2 establishes the requirements for the on-site delivery of affordable housing. In the rural areas of South Northamptonshire 50% affordable housing is required to be delivered. The policy also requires affordable housing to be dispersed throughout the site and for the mix to comprise 70% rent/30% affordable home ownership.

#### *Assessment*

- 8.90. The applicant proposes 50% of the proposed dwellings to be delivered on site as affordable housing in accordance with the development plan, amounting to 26 units.
- 8.91. In Bugbrooke, there is no up-to-date parish level housing needs survey which can be relied upon to identify current need. However, the Council's Housing Register is a "live" waiting list and this shows a continuing strong need for affordable rented housing of all types/sizes in Bugbrooke. In total, 41 households have indicated that they would consider being re-housed in Bugbrooke. There is a broad mix of need from 1 bed flats to 4 bed houses.
- 8.92. The Register only includes those households who are eligible for rented housing. It does not include those interested in shared ownership. However, the register held by the regional HomeBuy agent shows significant interest in shared ownership properties across the district.
- 8.93. Strategic Housing have confirmed that they support the number and mix of affordable dwelling types proposed and that the proposals accord with Policy H2 of the LPP1. Policy LH8 of LPP2 requires that 70% of the affordable homes proposed should be for rent, whilst 30% should be for shared ownership. This would result in 18 of the 26 units being for rent and 8 for shared ownership. The developer has identified that this tenure mix will be applied in their Accommodation Schedule but the amended Site Layout Plan still incorrectly identifies that Plots 43 and 48 are 3 beds rather than 2 beds as recommended. Assuming that this can be amended the proposals would accord with Policy LH8.
- 8.94. The applicant responded positively to the Council's Strategic Housing Team's earlier requests in respect of the dwelling types and the application includes 2 x 4 bed homes for rent; an affordable housing type that is much needed in the district.
- 8.95. The affordable homes meet new national technical standards in respect of size, are suitably integrated in two small clusters through the site and are tenure blind in accordance with adopted Policy LH8.

#### *Conclusion*

- 8.96. Having regard to the above the proposed development will make positive steps towards meeting both a district-wide and a locally identified affordable housing need and the proposals comply with the relevant development plan policies in this respect. On this basis the council's Strategic Housing Team have no objection to the application.

### Residential Amenity

#### *Policy Context*

- 8.97. Policy SS2 of LPP2 requires development to result in a good standard of amenity for its future occupiers in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration; and to not unacceptably harm the amenity 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. The Council's Design Guide provides guidance on residential amenity.

#### *Assessment*

- 8.98. A number of existing homes will be affected by the development, notably those on The Glebe and Peace Hill. Those properties who will share a rear garden boundary with the development will be most affected (7 in total). The closest distance between existing and proposed rear elevations will be between the properties on The Glebe and would range from between 18m to around 25m. The Design Guide recommends a minimum back-to-back distance of 18m and a minimum garden depth of 9.0m. The proposed dwellings that back on to The Glebe would have gardens which exceed 9.0m deep (over 15m) so although two existing dwellings (No's 10 and 14 The Glebe) have very shallow gardens (less than 3.0m) the facing rear windows would be at least 18m apart in accordance with our Design Guide. In light of this it is considered that the privacy enjoyed by existing and future occupiers would be acceptable.
- 8.99. There is one conflict with the Design Guide where the rear first floor bedroom window of Plot 41 would be approximately 17.75m from the side facing, first floor, living room window of Plots 39-40 (maisonette). This is only slightly below the 18m minimum set out in the Design Guide and bearing in mind that this is a secondary, single window to the living room it is not considered that a refusal based on a lack of privacy for future occupiers could be sustained in this instance.
- 8.100. Details have been provided to show proposed 1.8m high close boarded fences to the rear garden boundaries with existing residential dwellings on the eastern boundary (i.e. The Firs and properties on Peace Hill and The Glebe). This would ensure that existing and future residents have adequate privacy.
- 8.101. Occupiers of The Glebe and The Leys have also raised concerns about the proposed footpath link to West End which would run along the rear garden boundaries of these dwellings. Although there is currently no PROW along this boundary there is an existing public footpath that runs through this field. Whilst it is acknowledged that there would be increased footfall in closer proximity to the existing properties as a result of the footpath link it is not considered that this would result in a significant loss of privacy or in increased noise nuisance or disturbance. In arriving at this view it is noted that this field is already regularly used by walkers on the existing PROW and it must also be borne in mind that its current authorised use is for agriculture which could allow for relatively noisy movements of motorised agricultural vehicles and the keeping of livestock.

#### *Conclusion*

8.102. The proposed development would not result in any serious loss of privacy, light or outlook for future occupiers or for existing neighbouring occupiers and therefore the application accords with Policy SS2 of LPP2 and the adopted Design Guide.

### Ecology Impact

#### *Legislative context*

8.103. 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.

8.104. 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*

8.105. 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.

8.106. 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.

8.107. 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.

- 8.108. Policy NE3 of 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.
- 8.109. Policy BN2 of LPP1 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*

- 8.110. 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 range of habitats mainly of low ecological value, with the hedgerows, scrub belt, plantation woodland and grassland being the habitats of greatest ecological importance on site. The surveys showed no evidence of the site being utilised by protected species; however, the habitats do have the potential to support some protected species e.g. badgers and bats. A range of mitigation measures are detailed which will be consolidated into a final CEMP to be conditioned.
- 8.111. 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.
- 8.112. 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.
- 8.113. Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, if the mitigation measures contained within the Ecological Impact Assessment and supporting appendices, future CEMP and LEMP are carried out fully and successfully then the development proposals are unlikely to have a significant effect on habitats or protected species.

#### *Conclusion*

- 8.114. 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.

#### Highways

- 8.115. Policy C2 of LPP1 requires development to mitigate its impacts on highway safety. Policy SS2 of LPP2 requires development to include a safe and suitable means of access for all people including pedestrians, cyclists and those using vehicles.
- 8.116. The NPPF also requires provision of a safe and suitable access for all users. Para 109 however makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Assessment*

- 8.117. Access – The access would be taken from Litchborough Road to the north of the site where there is a 30mph speed limit and an existing paved footway. To the west of the proposed access the road rises to a summit on the canal bridge and to the east the road slopes gently downwards towards the village. In response to Local Highway Authority (LHA) comments on the previous application traffic calming has been included with the current proposals to include: drop kerbs and tactile paving on both sides of the access and the footpath to adjoin to the West End now joins the proposed development at the turning head. Whilst local residents have raised concerns about forward visibility to the west due to the canal bridge it is noted that the LHA have no objections to the access subject their technical approval under S278. The implementation of the traffic calming can be secured by condition.
- 8.118. Traffic Generation – Whilst the Transport Statement forecasts that the majority of movements associated with the development would be by car (over 80%) the overall number of additional daily trips would be relatively low; generating a total of 341 two-way vehicle trips based upon 52 dwellings. In light of the comments of the LHA, Officers have no reason to question the conclusion of the Transport Statement. The amount of additional traffic movements resulting from this development would not have a detrimental impact on the local highway network.
- 8.119. Accessibility – Bugbrooke is on the route of the hourly D3 bus service between Northampton and Daventry. Bus stops are located on Great Lane approximately a 2-minute walk from the site. The village benefits from many amenities (e.g. primary and secondary schools, cricket club, pharmacy, doctor's surgery, football club, community centre, rugby club, post office, shops etc...) and the site is situated a 20-minute walk (approximately) or less from these.
- 8.120. PROW – The proposals include the creation of two new connections between the site and the existing canal towpath. Details of how these would be created are required to ensure that character of the conservation area is preserved and that the existing hedge is not compromised but this could be secured by a condition. The addition of a new footpath to connect the site to West End would also provide a new route for pedestrians linking footpath KD/003 and the canal (footpath KD/021).

- 8.121. Parking – This matter is covered in paragraphs 8.20, 8.21 and 8.22 above but essentially the proposed parking complies with the adopted Parking SPD and the LHA have not raised any concerns about the parking arrangements as shown on the amended layout plan.

#### *Conclusion*

- 8.122. The application site is within an accessible location with sustainable travel opportunities available to future residents and visitors. The village amenities are located approximately a half mile to 1 mile walk to the east of the site. The village centre, and bus stops, can be easily accessed via Litchborough Road/Great Lane or via West End if using the proposed footpath link.
- 8.123. Parking arrangements comply with the Council's adopted SPD and Design Guide.
- 8.124. The LHA do not raise objections to the principle of development and there is no reason to suggest that a safe and suitable access cannot be achieved, that the development would result in significant or severe impacts on the highway network or have an unacceptable impact on highway safety. Conditions can be imposed to ensure that the access and parking/manoeuvring arrangements are implemented satisfactorily.

#### Flooding and Drainage

##### *Policy Context*

- 8.125. LPP1 Policy BN7 requires appropriate flood risk assessment to be completed and for development not to result in an increased risk of flooding to existing or proposed properties. Policy BN7A of the LPP1 requires new developments to have adequate and water supply and wastewater infrastructure. Policy SS2 of LPP2 requires development to be adequately serviced with infrastructure and to consider

##### *Assessment*

- 8.126. The majority of the site (including all of the areas where dwellings are proposed) lies within Flood Zone 1 (low probability of flood risk from rivers). Just a small part of the site (where part of the proposed footpath link and attenuation pond are proposed) lies within Flood Zones 2 and 3 (medium and high risk of flooding from rivers). There are also some areas within the site than are identified as holding surface water run-off in extreme weather events. The Parish Council and local residents have expressed concerns about flooding both within and outside of the site and have provided anecdotal evidence about recent flooding in the vicinity of the proposals and a worsening of off-site flooding from surface water in the past 12 to 18 months.
- 8.127. The applicants' Foul and Surface Water Drainage Strategy addresses the former concerns expressed by the SWDT (in respect of the previous application) that insufficient information had been provided regarding the handling of surface water. The SWDT are now satisfied that the Strategy is acceptable subject to the imposition of conditions. These would require the submission and approval of a detailed surface water drainage scheme, a scheme for its maintenance and a verification report for the installed surface water drainage system. Anglian Water also have no objections to wastewater being discharged into the public sewer.

#### *Conclusion*

8.128. The FRA and Drainage Strategy demonstrate that the surface water and foul water resulting from the development could be dealt with via SUDS within the site and discharge into the public sewer. The SWDT and Anglian Water have no objections regarding the proposals for SUDS or foul water treatment subject to the imposition of standard conditions to require the submission and approval of detailed schemes. The development therefore accords with the relevant development plan policies.

#### Local Infrastructure and S106 Obligations

##### *Policy Context*

8.129. Policies INF1 and INF2 of the LPP1 as well as Policy INF1 of LPP2 require new development to be supported by appropriate infrastructure.

##### *Assessment*

8.130. Notwithstanding the Council's recommendation, the application would have an impact on the following infrastructure which may need to be improved and/or enhanced as a result of the development. A Section 106 agreement would therefore need to accompany any permission that was granted.

- Primary Education provision – Bugbrooke Community Primary School would most likely serve the development. However, the school is currently operating above the recommended Department for Education's capacity thresholds. With current forecasts indicating continued high levels of demand for places based on birth rate and three-year trend data alone it is expected that there will not be sufficient capacity within existing provision to be able to accommodate the likely number of pupils generated from this development. On this basis, a s106 obligation from this development towards enhancing and increasing the provision of Primary Education infrastructure and capacity in the area will therefore be required to ensure that the children generated by this development can be accommodated within a local school. Based on the DfE's cost multipliers the development should provide a contribution of **£141,754** to mitigate the impacts of the development.
- Secondary Education provision – NCC have requested that a contribution is made via S106 towards Campion School which is currently operating close to DoE's recommended capacity. SNC's Infrastructure Funding Statement makes it clear, however, that funding for secondary education should come from CIL and therefore Officers contend that a separate sum of **£155,395** should NOT be sought via S106.
- Library provision – the County Council have requested a contribution of **£10,602** which is required to contribute towards improvement, enhancement or expansion of library facilities to serve the development.
- Off-site highway improvements – the LHA requests the installation of traffic calming scheme (details to be agreed). This would need to be secured in the s106 agreement alongside other necessary works to create and connect the site access and footpaths to the existing network. The Parish Council also request a 20mph traffic order and have asked for the provision of a link road to connect Heygates to junction 16 of the M1. (*Officer's Note: it is not considered that a new link road or a contribution towards a link road or a tie to prevent commencement prior to its delivery would be reasonably related in scale or necessary to make*

*the scheme acceptable. Therefore, such a request would not meet the required tests).*

- Affordable Housing Provision – the development would need to provide on-site affordable housing at 50% with a split between 70% social/affordable rent and 30% intermediate tenures.
- Healthcare Provision – NHS Northamptonshire CCG have advised that whilst traditionally s106 requests made by health to support new developments have been centred around the capacity and development needs of a single GP Practice, there is now a move towards new health care models on a larger scale involving multiple organisations including primary care. These organisations will focus collectively, rather than separately, on the needs of the local people they serve, with general practice being at the heart of patient care. This change is driving the way that estates health infrastructure is developed, therefore whilst CCGs/NHSE&I still require infrastructure investment to be made by developers to cover the health needs of the new population brought to the area, the precise location of the Practice providing additional services cannot always be identified at the point when the initial response is made to a planning application. Practices in the area have already formed groupings known as Primary Care Networks (PCNS), and under the NHS Direct Enhanced Service they have established and formalised agreements. Primary care networks are based on GP registered lists, typically serving natural communities of around 30,000 to 50,000 and will build on the core of current primary care services to enable greater provision of proactive, personalised, coordinated and more integrated health and social care. PCNs will act as the vehicle for the delivery of the local services across primary, community, secondary and social care services. Bugbrooke Surgery is the nearest facility to the development and is therefore most likely to be affected and require existing premises to be developed to accommodate growth. A total of circa **£26,437.04** would be required towards this.
- Refuse and recycling provision - **£70 per dwelling** for provision of bins (index linked).
- Financial contribution to provision and maintenance of off-site playing fields.
- Provision and maintenance of on-site play and open space facilities.
- Financial contribution to the Parish Council towards the additional cost of a PCSO. Bugbrooke Parish currently share a PCSO with Nether Heyford on a 2/3 – 1/3 basis, however the additional development would result in Bugbrooke needing to have a full time PCSO at an additional cost of **£16,000** per year.
- Financial contribution to Bugbrooke Sports and Community Association to assist in the provision of additional facilities at the centre. Amount TBA.
- Financial contribution to the Parish Council for village enhancement – to provide additional facilities – bins, seats etc, or such other items as the Parish Council may deem would improve the quality of life for residents. Amount TBA.

### *Conclusion*

- 8.131. The development would result in a 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 and/or secured by conditions attached to any permission.

- 8.132. In the absence of a S106 agreement the Council must add a further reason for refusal to the decision notice.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. This development, if approved, is liable to pay the Community Infrastructure Levy of £121.40 per sqm of gross internal residential floor area as set out in the South Northamptonshire Council Charging Schedule.

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

- 10.1. The paragraphs 8.1 – 8.40 ('Principle') explore whether the site before the Council today is comparable to two sites in Middleton Cheney that were recently granted approval at appeal. This exercise sought to establish whether there are very site specific factors that justify the Council taking an exceptional approach to this development that, on face value, conflicts with the development plan and results in harm.
- 10.2. Those paragraphs also look at whether, notwithstanding Bugbrooke's status as a Primary Service Village and whether or not it is as sustainable as Middleton Cheney, the provision of affordable housing should be afforded such significant weight as to outweigh the harm arising through the technical conflict with the development plan.
- 10.3. Officers find that Bugbrooke and Middleton Cheney are not directly comparable in terms of sustainability, and that differences in the site's relative relationships to the settlements and proximity to services, infrastructure and other high order settlements cause there to be no particularly important site-specific factors that add positive weight to the scheme.
- 10.4. Officers are also concerned that supporting market-led schemes outside the settlement confines such as this one serve to undermine the spatial strategy, which has recently been tested through two recent appeals in Milton Malsor and Blisworth whereby the housing supply figures have been challenged unsuccessfully.
- 10.5. Furthermore, the Council has recently adopted policies which are intended to encourage the delivery of affordable housing through (for example) exception sites. To offer support to market-led schemes that offer much less affordable housing than what could be provided as policy compliant schemes on the same (or other) sites serves to undermine those policies.
- 10.6. The Council must determine the application in accordance with the development plan, and in this instance the scheme is contrary to the policies within this plan. The harm caused through the conflict with the development plan is therefore considered to outweigh any material considerations that might weigh in the scheme's favour. The principle of development is unacceptable at a fundamental level, and as such should not be supported.
- 10.7. The application should be refused.

## **11. RECOMMENDATION & REASONS FOR REFUSAL**

### **11.1. RECOMMENDATION – REFUSAL FOR THE REASONS SET OUT BELOW**

#### **1. The proposal fails to comply with the Council's adopted Development Plan**

**which seeks to direct new residential development to the most sustainable locations within the district. Specifically, the proposal is a market-led housing scheme located outside of the settlement confines and does not comply with any of the exceptional policies listed within the South Northamptonshire Local Plan Part 2 that offer support to development outside of the confines of settlements. The Council can demonstrate a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply. Having considered all relevant material considerations, including the relative sustainability of the settlements, and the site's specific location within the settlement, the provision of affordable housing and outcome of recent appeal decisions, it is concluded that the harm caused through this application's conflict with the development plan exceeds any considerations that weigh in the application's favour. Therefore, the proposal fails to comply with policy LH1 of the South Northamptonshire Local Plan Part 2 and policy R1 of the West Northamptonshire Joint Core Strategy.**

- 2. 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 proposed development provides for appropriate infrastructure, facilities and services required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to policy INF1 of the South Northamptonshire Local Plan Part 2 and INF1 of the West Northamptonshire Joint Core Strategy.**