

**Application Number:** WNS/2022/0904/MAO

**Location:** Land at Stratford Road Deanshanger

**Proposal:** Outline application for 67 dwellings with all matters reserved other than access

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**Applicant:** Manor Oak Homes, J A Richards and M J Holes

**Agent:** Armstrong Rigg Planning

**Case Officer:** Sangeeta Ratna

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**Ward:** Deanshanger

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**Reason for Referral:** Major Development and Significant departure from adopted development plan

**Committee Date:** 08 September 2022

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

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

### **Proposal**

The application seeks outline planning permission for a residential development of 67 dwellings with all matters reserved except access. The development would provide a mix of 1-4 bedroom single and two storey dwellings with 50% affordable housing.

### **Consultation**

The following consultees have raised objections/made observations in respect of the application: Planning Policy, Deanshanger Parish Council, Deanshanger Village Heritage Society, Waste and Recycling

The following consultees have raised no objections [subject to conditions/reassurances] to the application: Strategic Housing, Local Highway Authority, Ecology, Archaeology, Anglian Water, Crime Prevention, Minerals and Waste.

80 letters of objection have been received.

## **Key Constraints**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as detailed at Section 7 of the report.

The key issues arising from the application details are:

- Principle of Development
- Affordable Housing
- Landscape and visual impact
- Archaeology
- Ecology
- Highway Safety
- Surface Water Flooding

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

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

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site is 3.5 Ha of agricultural land located on the southern edge of Deanshanger north of Stratford Road and close to its junction with the A422 at the north west of the roundabout.
- 1.2 It shares its west boundary with allotments at Northfield Close which is a modern development extended off Deanshanger Village which is located further north-west of the site. To its north and east are agricultural fields in the open countryside.
- 1.3 The south boundary of the site along Stratford Road has a screen of established trees and hedgerows. The site and land beyond in the north and east direction mainly comprises of arable land which rises gradually from south to north.

### **2. CONSTRAINTS**

- 2.1 The application site is within the open countryside (beyond the Deanshanger village confines).
- 2.2 The site is within 2km of two Local Wildlife Sites – Deanshanger Gravel Pits and Old Canal

- 2.3 Mineral safeguarding area and Quarry 1km buffer – Passenham South and Passenham Quarry
- 2.4 Low risk of surface water flooding
- 2.5 The site lies within an area of archaeological interest.

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks outline planning permission with all matters reserved except access for the development of 67 dwellings. The proposed access would be off Stratford Road approximately 150m west of the roundabout. The proposal would deliver 34 units as affordable housing (51%) and 4 self-build units. 24 of the affordable units would be for social rent and 10 for intermediate tenures with 7 of these provided as First Homes.
- 3.2 The proposal would comprise of 1-4 bedrooms dwellings in bungalows, two storey and two and a half storey houses and apartments. Communal green spaces are proposed along the south-east, north-east and north-west boundaries which will act as a buffer zone which can be used a leisure area by residents of the proposed development. Some area along the west boundary would be allocated to allotments which would align the existing allotments along the same boundary. A play area would be located in the south west adjacent to the site entrance off Stratford Road.
- 3.3 The Planning Statement provided in support of the proposal states that the development deliverable immediately and in full within the next 5 years.

### 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
P/WNS/2022/0021 /PRH	Residential scheme of approximately 67 dwellings - Land at Stratford Road, Deanshanger	Pre-application advice issued
S/2010/0311/MAO	Residential development of 74 dwellings and associated works (outline). - Land North of Stratford Road Deanshanger	Appeal Allowed (Against Non Determination)
P/2012/0200/PRM	Erection of 74 dwellings and associated landscaping and highways - Land North of Stratford Road Deanshanger	Issued

S/2009/1293/MAO	Residential development of 74 dwellings and associated works (outline). - Land to north of Stratford Road Deanshanger	<b>Withdrawn</b>
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## 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 Northampton Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.3 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S2 – Hierarchy of Centres
- S3 – Scale and Distribution of Development Area
- S10 – Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- RC2 – Community Needs
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- H4 – Sustainable Housing
- BN2 - Biodiversity
- 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 Part 2 Local Plan (LPP2)

- 5.4 The relevant policies of the LPP2 are:

- SS1 – The Settlement Strategy
- SS2 – General Development and Design Principles
- LH1 – Residential Development Inside and Outside Settlement Confines

- SPD2 – Health Facilities and Wellbeing
- HE1 – Significance of Heritage Assets
- NE5 – Biodiversity and Geodiversity

## Material Considerations

5.5 Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance
- Deanshanger Village Design

## 6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Anglian Water	Comments	No objection subject to condition relation to foul water and surface water drainage if connected to network.
Archaeology	No objection	Subject to pre-commencement conditions
Crime Prevention	No objection	
Deanshanger Parish Council	Objection	Improper publicity of application, proposal in conflict with Northamptonshire Development Plan, the existing facilities in the village which formed evidence base for its categorisation as a Primary Service Village have deteriorated, the village does not have adequate facilities to support additional housing development, adverse impact on character of the existing village, highways, drainage.
Deanshanger Village Heritage Society	Objection	Character of the entrance, close to roundabout, flooding, out of village site, allocated sites available for development,
Ecology	No objection	subject to pre-commencement conditions
Health & Environmental Protection		
Local Highway Authority		01/06/2022 – proposed vehicular and pedestrian access acceptable, inclusion of site access within a speed limit of 30mph to be investigated by the Agents, village gateway sign to be relocated by

		Applicant. No Public Rights of Way affected. TA and TP approval outstanding.
Lead Local Flood Authority		No comments received
Mineral and Waste	No objection	Subject to pre-commencement condition.
Northants Highways	Object	27/05/2022 - Comments on Travel Plan - Unapproved
Northants and Beds Wildfire Trust		No comments received
NHS CCG	Comment	Seek a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services.
NHS Bedford, Luton and Milton Keynes	Comments	Financial contributions required in order to mitigate the impact of additional housing on service providers.
Planning Policy	Comments	The WNLPP1 plan policies remain up to date and consistent with the NPPF, and it is on this basis that it was recommended they should continue to be given full weight as part of the development plan for the purposes of decision making. In this instance, the exemption criteria set out in Policies LH1 – LH7 are not complied with and, in consequence, the policies of the Development Plan are not supportive of the current proposals.
Recreation and Leisure	Comments	No objection as proposal would provide adequate space.
Strategic Housing	Comments	Affordable housing contribution is acceptable.
Waste and Recycling	Object	On grounds of non-compliance with West Northamptonshire Council - Guidance on Waste and Recycling Collection Requirements for Planning New Developments Document.

## 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 are 80 number of objections to this proposal raising the following comments:

- Impact on highways – existing congestion on the A422 would be exacerbated
- Facilities such as doctor's surgery and schools are oversubscribed
- Loss of arable land whilst brownfield land is available for housing development

- Lack of public transport network
- Impact on surface water flooding

## 8. APPRAISAL

### Principle of Development

#### Policy Context

- 8.1 It is the Government's objective to significantly boost the supply of homes. In order to achieve this objective local planning authorities are required to identify a deliverable housing land supply. In rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.2 The LPP1 aims to support development in the urban and sub-regional centres and limit development in the rural area. The criteria set out in Policy S1 in order to meet this aim ensure that development proposals cater to local housing need and support local services whilst respecting the distinctive character and vitality of rural communities and the quality of tranquillity of the countryside. Policy S1 of the LPP1 clearly states under D) that new development in the rural areas will be limited with the emphasis being on: 1) enhancing and maintaining the distinctive character and vitality of rural communities; 2) shortening journeys and facilitating access to jobs and services; 3) strengthening rural enterprise and linkages between settlements and their hinterlands; and 4) respecting the quality of tranquillity.
- 8.3 Policy R1 of the LPP1 sets out the Spatial Strategy for Rural Areas stating, 'development outside the existing confines will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy and once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted where it can be demonstrated that it: i) would result in environmental improvements on a site including for example the re-use of previously developed land and best practice in design; or ii) *is required to support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services); and iii) has been informed by an effective community involvement exercise prior to the*

*submission of a planning application; or iv) is a rural exceptions site that meets the criteria set out in policy h3; or v) has been agreed through an adopted neighbourhood plan.*

- 8.4 Policy H3 of the LPP1 specifies exceptions for residential development in Rural Areas stating, *'The provision of affordable housing to meet identified local needs in rural areas on 'exception sites' will be supported. Schemes must either be purely affordable housing or mixed tenure schemes including an element of market housing where this is essential to the delivery of the affordable housing. It will be a requirement that the market housing: 1) is the minimum necessary to make the scheme viable; and 2) meets specific locally identified housing needs. In all cases the following criteria must be met: a) the site is within or immediately adjoins the main built-up area of a rural settlement; b) the form and scale of development should be clearly justified by evidence of need through a local housing needs survey; and c) arrangements for the management and occupation of affordable housing must ensure that it will be available and affordable in perpetuity for people in local housing need.'*
- 8.5 Policy SS1 of the LPP2 provides the settlement hierarchy in support of the Spatial Strategy. Development outside the confines of a settlement is considered to be in the open countryside. It states that *housing development outside settlement confines of Primary Service Villages such as Deasnanager would be supported provided the proposal accords with Policies LH1(2), LH2, LH3, LH5, LH6 or LH7 together with those in Policy R1 of the LPP1. Policy LH1 states that development outside settlement confines will not be supported unless it comprises of (in this case) an allocation in a neighbourhood plan, is for starter homes or is an entry level site.*
- 8.6 Regulation 10A Town and Country (Local Planning) (England) Regulations 2012 (as amended) requires local authorities to review their local plans every five years post adoption. Accordingly, a review of the LPP1 which was originally adopted in 2014 was undertaken in December 2019. This review found that the plan was up-to-date and its policies consistent with the NPPF. The Plan therefore carries full weight in the assessment of this proposal. The South Northamptonshire Local Plan Part 2 was adopted by the Council in July 2020 with its policies clearly up-to-date and compliant with the NPPF.
- 8.7 South Northamptonshire Council's 2021 Housing Land Availability Study demonstrates that the Council is delivering its requirement for housing in the rural areas as detailed



under Policy S3 of the LPP1 and that the Council is able to demonstrate a 6.32 year housing land supply.

### *Assessment*

- 8.8 The proposal is for outline planning permission. It is supported by a conceptual proposed lay-out which indicates site access off Stratford Road leading into a central avenue which splits to provide access to 6 pockets within the site. The built form would be sufficiently set away from all boundaries which would be aligned by communal green spaces acting as landscape buffers, allotments and areas dedicated to SUDs provision. The Design and Access Statement informs that the built form would range from single storey to 2.5 storey in height. This indicative approach is considered to complement the existing built form to the west of the site.
- 8.9 Deanshanger is categorised as a Primary Service Village within the hierarchy of settlements. The site is located immediately outside the confines of Deanshanger and is therefore in the open countryside.
- 8.10 The key services currently existing within Deanshanger include a primary and a secondary school, a post office and shops retailing consumer goods for daily use. The nearest medical centres are Stonedean Practice and Stony Medical Centre, both located in Stony Stratford.
- 8.11 In terms of Policy R1 of the LPP1 where the Council is currently delivering the required housing in Rural Areas the last part of Policy R1 including criteria i) to v) are applicable. In this case the site is not a previously developed land. Its current use is agricultural land. There are no such services in Deanshanger which would cease to exist should this development not be approved or implemented. Although the applicants have engaged in community consultation the outcome as evidenced by the number of objections received, confirms the resistance to the proposal from the local community. The proposal would not accord with any criteria set out under Policy H3 except for criteria c) in that affordable housing availability in perpetuity can be secured via a S106 agreement. It must be noted that although the site adjoins the built-up boundary of the development at Northfield Close, this development itself is an extension to the main settlement and therefore cannot be considered the main settlement at Deanshanger. And there is no neighbourhood plan for Deanshanger.

- 8.12 Policy LH1 of the LPP2 requires the site to be located in a neighbourhood plan, accord with Policies LH2-LH7 together with Policy R1 criteria i) to v). In this case Policies LH2, LH3 and LH5 are relevant. Regards Policy LH2 it is acknowledged that the site adjoins the immediate boundary of settlement confines at Deanshanger. However, the site is not underused or unviable industrial and commercial land neither is the application supported with information to confirm whether 50% market housing as proposed is required to enable the delivery of this site for starter homes. Regards Policy LH3 the proposal does not demonstrate that the house prices would have regard to local income and local house prices.
- 8.13 On the basis of the discussion above, in terms of principle of development, the site is outside the settlement confines and therefore within the countryside. The proposal would not accord with criteria set out for proposals outside settlements confines by way of the type of development proposed. It is therefore contrary to Policies S1, H3, R1 of the LPP1 and Policies SS1 and LH1 of the LPP2.
- 8.14 The benefits stated within the Planning Statement include housing provision including affordable housing, accessible homes, self-build plots, energy efficiency via 75% reduction in carbon emissions and biodiversity net gain of 20%, accessibility to employment areas at Middleton Cheney and Stony Stratford. However, it is considered that these benefits would not justify approval of this proposal contrary to the Development Plan. In fact these benefits would be secured for any development which would be within settlement confines and/or on allocated sites in accordance with the sustainable development principles and low carbon and renewable energy policies of the Development Plan.
- 8.15 The argument in the Planning Statement in relation to two appeals which have been allowed at Middleton Cheney are not considered comparable in this case because the position of the housing land supply which the Council could demonstrate at the time the appeals were considered was at 5.14 which has now increased, and the Council can demonstrate a robust 6.32 years housing land supply.
- 8.16 There would be no identified benefits in terms of vitality of the rural community at this location nor would there be benefits in terms of local economy as a result of the proposal. The proposal would contribute to 50% affordable housing. However, this is part of an essentially market housing proposal which comprises of 67 dwellings in total.

8.17 The Council is delivering its requirement for housing in Rural Areas and can demonstrate a housing land supply for 6.32 years. This means that an approval of this proposal would undermine the allocated sites within the Development Plan thereby adversely affecting the objective of sustainable development. As discussed above, there are no material considerations which would outweigh the harm of approving this proposal contrary to the Development Plan.

#### Affordable Housing

8.18 The West Northamptonshire Strategic Housing Market Assessment (SHMA) 2010 states that there is a district wide requirement of 3300 affordable dwellings by 2029. The SHMA and local housing needs indicate that a minimum of 173 new affordable homes are required per annum.

8.19 A recent a parish level Housing Needs Survey in Deanshanger is not available. The Council's Housing Register presently has 173 households approaching the council for re-housing of which 30 have expressed interest in Deanshanger as their preferred location.

8.20 Policy H2 of the LPP1 and Policy LH8 of the LPP2 require a provision of 50% affordable housing for proposals located in the rural areas. Policy LH8 states that the provision must achieve a split of 70% affordable housing for rent and 30% affordable home ownership. At least 10% of the total number of affordable homes contribution should be available for low-cost home ownership. Affordable housing should be provided on the application site as an integral part of the development and units should be dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness.

8.21 The proposal comprises of 10 affordable homes (30%) to be intermediate units (7 of which are First Homes) and 24 affordable homes (70%) to be social rented units.

8.22 Together with the Sustainability Statement included with this application the Council's Strategic Housing Officer is in support of the proposal at this outline stage. The compliance of the proposal with Policy LH8 in terms of accessible homes, Lifetime homes and tenure blindness are matters to be dealt in a Reserved Matters application.

## Landscape and Visual Impact

### *Policy Context*

- 8.23 The NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 8.24 Policy R1 of the LPP1 requires proposals in rural areas to not affect open land which is of particular significance to the form and character of the village. Policy SS1 supports proposals which would maintain the individual identity of towns and villages and their distinct parts, would not result in physical coalescence that would harm this identity and would 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.

### *Assessment*

- 8.25 The site forms part of a large arable field which is set within a gently undulating landscape. The site slopes to the south east. The south boundary abutting Stratford Road is aligned with trees and hedgerows and the west boundary abut existing allotments along the edge of Northfields Close to the west of the site. There are no significant natural features of interest due to the arable nature of the land. However, it is this arable land which forms part of the wider countryside further east, north and south of the site which contributes to the tranquillity of area.
- 8.26 The proposal would set the built environment away from the boundary abutting Stratford Road and would provide a landscape buffer along the east and north boundaries. With no Public Rights of Way across or near the site the closest visual impact would be experienced from the rear aspects of the dwellings within Northfields Close which align the west boundary of the site. This impact is reduced by the existing and proposed allotments along this boundary.
- 8.27 Therefore, given that the site is within a landscape of low value and that the proposed conceptual lay-out proposes measures in the form of buffer zones, allotments and retention of the existing tree and hedgerow screen along Stratford Road the proposal is not considered to result in adverse landscape and visual impact which would warrant a reason for refusal of this application.

## Archaeology

### *Policy Context*

- 8.28 The NPPF requires that when assessing the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation regardless of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.29 Paragraph 205 of the NPPF states '*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*'

### *Assessment*

- 8.30 The Council's Archaeologist has been consulted who advises that the proposed development will have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected.
- 8.31 The applicants have provided a geophysical survey of the site, which identifies the line of the backfilled Grand Union Canal, as well as a number of possible signals which may relate to Roman features identified to the west of this site.
- 8.32 The site does have potential to contain archaeological remains as has been revealed in the geophysical survey. This potential can be addressed by a programme of work secured by a standard pre-commencement condition. The programme of work would comprise trial trenching in the first instance; this would be carried out before the submission of any Reserved Matters application, to ensure that if archaeological remains requiring mitigation are identified, then they are addressed in a timely fashion.

## Ecology

### *Legislative context*

- 8.33 The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb<sup>1</sup> wild animals listed under Schedule 2 of

the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). From 1st January 2021, the 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Directive. Most of the changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales, all other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

8.34 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CROW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act;
- Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act;
- Intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act; or
- Plant or cause to grow in the wild any plant species listed under Schedule 9 of the Act. Protection of Badgers Act 1991).

8.35 Under the Regulations, competent authorities such as the Council have a general duty to have regard to these requirements. 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:

- 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?
- That there is no satisfactory alternative.

- 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*

- 8.36 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.
- 8.37 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.
- 8.38 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.
- 8.39 Policy BN2 of the 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.

- 8.40 Policy NE3 of the LPP2 seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.

#### *Assessment*

- 8.41 The development site consists of an arable farmland, with hedgerow on the western boundary and hedgerow with trees to the south adjacent to the Stratford Road. The site is surrounded arable farmland to the north and east with by residential properties and gardens to the west. No statutory or non-statutory designated sites fall within the site or within the zone of influence and the site is not identified as a priority habitat/habitat of principal importance. The arable farmland was detailed as being negligible ecological significance.
- 8.42 No evidence of roosting bats was found at site. There is a potential of a support system for roosting bats on one tree near the proposed entrance to the site off Stratford Road. The proposal would retain this particular tree. Therefore, no concerns have been raised by the Council's Ecologist who further advises that if works were proposed during the implementation of the proposal then adequate surveys and mitigation measures can be secured.
- 8.43 There is a likelihood of foraging and commuting bats in the surrounding habitats. There is potential for birds to be nesting within the trees and hedgerow found on site. No evidence of reptiles was found during the surveys, and the habitat was considered to be sub-optimal, the risk of impact is therefore considered low. The impact on Great Crested



Newts has been assessed it is considered that the species is unlikely to be present within the site or affected by the proposals. No evidence of badgers was found within the application site; however an active sett was identified within close proximity to the southern boundary in between it and the Stratford Road. There is potential for impacts on Badgers during the construction phase of the development.

8.44 A Biodiversity Impact Assessment has been carried out and taking into account the proposed biodiversity enhancements is predicted that based on the proposed site layout a 20.38% net gain in biodiversity will be achieved. Biodiversity enhancements proposed for the site include the planting new native species rich tree and shrub planting particularly along the northern and eastern boundaries of the site, sowing of wildflower grassland, wetland features as part of the SUDs feature, installation of bird nesting and bat roosting opportunities within the fabric of the new dwellings.

8.45 Officers are satisfied, on the basis of the advice from the Council's Ecologist, 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.

8.46 Subject to the proposed development being implemented in accordance with the mitigation measures stated in the Ecological Appraisal, by Aspect Ecology, dated 24 March 2022 the proposal is considered to accord with Policies NE4, NE5 of the LPP2.

### Highways

#### *Policy Context*

8.47 Policy C1 of the LPP1 encourages a modal shift in transport by supporting proposal which provide easy walking and cycling access to daily activities and maximise the use of existing capacity within transport infrastructure. Policy C2 requires that development proposals within Primary Service Villages will be required to mitigate its effects on the highway network and be supported by a transport assessment and travel plan prepared in accordance with current best practice guidelines as issued by the department for transport or the relevant local authority.

8.48 Policy SS2 of the LPP2 requires proposals to provide a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles).

#### *Assessment*

8.49 The existing public transport infrastructure comprises of a bus stop located approximately 250m to the west of the site entrance off Stratford Road and provides service to Towcester. The bus stop for the service in the opposite direction is located approximately 275m west on the opposite side. Deanshanger High Street which provides day to day shopping needs is 0.5 miles by car, walking or cycling.

8.50 The Framework Travel Plan Revision C: July 2022 Report Reference: 649-FTP-01-C submitted in support of the application states that the provisions within it would achieve 20% reduction in Single Occupancy Vehicle (SOV) trips. It states that the measures proposed to achieve this reduction comprise of –

- Permeability of site for pedestrians and cyclists, designed in line with the principles of Manual for Streets
- Broadband access and provision of home-office space in homes.
- Footway provision within the site.
- Cycle parking for residents and visitors including shower / changing facilities in site workplaces (if applicable), free / discounted cycles and cycle equipment, cycling / walking maps of local area, cycle training offered to residents, bicycle User Group (BUG) / cycle buddy scheme.
- Bus and rail enhancement
- Car sharing
- Parking management
- Promotion of and communication in relation to the Travel Plan.

8.51 The Local Highways Authority approve of the proposed 20% reduction in SOV trips.

8.52 The Transport Statement provided by the Agent has not been approved by the LHA. Outstanding information required includes a capacity assessment of the Old Stratford Road roundabout to be provided together with any other sites which have come forward in Deanshanger and the immediate area and traffic data which is required on forms provided by the LHA. The Agent has been informed of the outstanding matters.

- 8.53 The LHA do not object in principle. However, in the absence of additional information required in order to assess the impact of the proposal it is considered that the proposal would not accord with Policy C2 of the LPP1 and Policy SS2 of the LLP2.

#### Drainage

- 8.54 The site is located in an area of low risk of surface water flooding. The application has been supported by a Flood Risk Assessment Revision 0: March 2022 Report Reference: 649-FRA-01-A. The Assessment proposes to achieve Surface Water Management using SUDS features including a piped network, Hydrobrake flow control, Detention Basin required to store excess water during an extreme event whilst maintaining a greenfield discharge rate of 4.8 l/s, Tanked permeable paving to private drives, Swales – as appropriate through the public open space.
- 8.55 Foul water is proposed to be discharged to the adopted sewer located in Stratford Road.
- 8.56 The LLFA are yet to provide comments on this proposal. However, given the location of the site in a low risk area of flooding and the proposed measures to ensure surface water is managed it is considered that the proposal is acceptable in terms of SUDs. Any additional details can be secured at the reserved matters stage. On this basis the proposal is considered to accord with Policy SS2 of the LPP2.

#### Crime Prevention in Design

- 8.57 The proposed houses address the street and each other with clearly defined public and private space. The Crime Prevention Design advisor comments that this layout is considered to comply with crime prevention design best practice. Further advice includes provision of back-to-back rear gardens, low front boundary walls, minimise alleyways, avoid rear parking courts, securing allotments with fencing and lockable gates. However, these details would fall outside the remits of this application for outline planning permission and should therefore be assessed at reserved matters stage.

#### Waste and Recycling

- 8.58 Waste and Recycling Team have objected to the proposal on grounds that there is insufficient information in relation to swept paths for Refuse Collection Vehicles (RCV), bin collection points marked on drawings, any parking restrictions especially at turning heads within the site.

- 8.59 These are details that must be dealt with at a reserved matters stage should this outline application for approval of access only be approved.

#### Local Infrastructure and S106 Obligations

- 8.60 Policies INF1 and INF2 of the LPP1 as well as Policy INF1 of LPP2, requires new development to provide for the necessary infrastructure requirements. This would be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.
- 8.61 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.

#### **Early Years Services**

- 8.62 The 'sufficiency of capacity' evidence base for Early Years provision is currently being updated and it is therefore not possible to determine what the current capacity is and likely impact of this development on demand for places.
- 8.63 The Development Management team will provide an update on this position once the sufficiency of capacity work has been completed, and further consultation is recommended on this point to ensure the most up to date information is included in any future s106 agreement.
- 8.64 If there is a lack of capacity identified for Early Years, a s106 contribution of **£225,164** would be required, based on the proposed dwelling mix.

#### **Primary Education**

- 8.65 In terms of Primary Education, the proposed development would be served by Deanshanger Primary School. Currently, the school is operating within the Department for Education's recommended capacity thresholds, however the Council's pupil forecasts indicate that these places will be fully taken up based on birth rate and three-year trend-based data alone. As such, any housing development in the area is expected to place pressure on the availability of places and additional capacity will need to be provided to meet the increase in demand, arising from this site.

8.66 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 be required to ensure that the children generated by this development can be accommodated within a local school.

8.67 An assumed Primary Education contribution of **£192,020** is expected to be required, based on the proposed dwelling mix; this figure will be reassessed once further work has been undertaken to identify possible options for provision of additional capacity in the area.

### **Secondary Education**

8.68 The proposed site would most likely be served by Elizabeth Woodville School (South Campus). However, as at May 2022 this school was operating at 94% capacity, with several year groups at or above 100%, exceeding the Department for Education's recommended capacity thresholds and continued high demand for places forecast to continue based on current projections.

8.69 A S106 planning obligation towards provision of additional Secondary Education capacity will therefore be required in order to adequately mitigate the impact of the proposed development and to ensure that children residing in the properties can be accommodated in a local school.

8.70 A S106 contribution towards Secondary Education of **£217,893** will be required, based on the proposed dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

### **Libraries**

8.71 This development is expected to impact on the current level of library provision as the new residents moving into the developments utilise existing facilities.

8.72 A Libraries Contribution of **£13,982** is therefore required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development. This figure will be reviewed, with a specific project identified, at such time as the s106 for the development is entered into.

### **Health care provision**

8.73 Obligations towards health care are sought from both Northamptonshire CCG **£34,063.11** and Bedfordshire, Luton & Milton Keynes Integrated Care Board (BLMKICB) **£67,435.50**. The proposed development will affect Stonedean Practice and also the Stony Medical Centre. Both practices are situated in the same Stony Stratford building, a short distance from the proposed development site.

8.74 Clearly the applicant is not obliged to contribute towards the two boards, but it flags an issue that has been ongoing for several years with development on the boarder with Milton Keynes. There is also some disparity in the amounts sought, which obviously the applicants require clarification on. Discussions on this matter are to be concluded with the Major Projects Manager for the South Area as she has been heavily involved. An update to Members will be provided in the written updates or verbally at Committee.

### **Affordable Housing**

8.75 The proposal includes the provision of affordable housing which must be secured via a S106 agreement in addition to the listed Developer Contributions.

8.76 **Refuse and recycling provision - £70** per dwelling for provision of bins (index linked).

## **9 FINANCIAL CONSIDERATIONS**

9.1 Should this outline application be approved then the proposed development would be liable to Community Infrastructure Levy which is a matter to be dealt in the reserved matters stage.

## **10 PLANNING BALANCE AND CONCLUSION**

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

10.2 The proposal is outside the settlement confines. Therefore the proposal would not accord with Policies S1, H3, R1 of the LPP1 and Policies SS1 and L1 of the LPP2. The proposal would not result in such benefits which would outweigh the harm resulting from approving development outside settlement confines and thereby deviating from the Development Plan.

- 10.3 Affordable housing contribution in itself would not constitute a benefit sufficient to outweigh the harm of approving housing at a location which undermines the objectives of sustainable development which is contrary to the Development Plan.
- 10.4 It is acknowledged that the LHA have not objected to the proposal. However, the outstanding information means that a conclusive assessment cannot be derived in terms of impact of the proposal on the Highways network. This therefore is considered that the proposal would not accord with Policies C1, C2 of the LPP1 and Policy SS2 of the LPP2

## **11 RECOMMENDATION**

### **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 fiveyear housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the National Planning Policy Framework 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 Local Plan (Part 1).
2. In the absence of adequate information required to assess the impact of the proposal on the Highways network, including an assessment of the capacity at the Old Stratford Road roundabout and data from the January 2022 Automated Traffic Count in a format as required by the Northants Highways, the proposal is contrary to Policies C1, C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 and the National Planning Policy Framework.

3. 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 Local Plan (Part 1).