

<b><u>Application Number</u></b>	<b>WND/2021/0717</b>
<b>Location Description</b>	<b>LAND OFF HOLLY LODGE DRIVE, BOUGHTON, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>OUTLINE APPLICATION FOR CONSTRUCTION OF UP TO 65 DWELLINGS ALL MATTERS RESERVED EXCEPT ACCESS, COMPRISING 40% AFFORDABLE HOUSING, COMMUNITY HUB (CLASS E/F), PARKING, LANDSCAPING &amp; ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING STRUCTURES ON SITE.</b>
<b>Applicant</b>	<b>MULBERRY LAND</b>
<b>Agent</b>	<b>ICENI PROJECTS</b>
<b>Case Officer</b>	<b>REBECCA GRANT</b>
<b>Ward</b>	<b>MOULTON WARD</b>
<b>Reason for Referral</b>	<b>MAJOR APPLICATION</b>
<b>Committee Date</b>	<b>5 OCTOBER 2022</b>

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

**RECOMMENDATION:** REFUSE PERMISSION

### **Proposal**

The development is an outline application for construction of up to 65 dwellings, all matters reserved except access, comprising 50% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site.

The application was originally on the agenda of the May Daventry Area Committee however it was deferred to allow further discussion with the applicant.

Following the original submission of the application, the applicants have revised the scheme to include the following;

1. Updated site layout plan - the layout has been amended to demonstrate that an enhanced and widened access could be gained through the proposed development site to enable any future delivery of growth further to the north.

2. The previously shown community building to the west of the access point is now proposed as a pre-school facility to accommodate additional capacity in the local area.
3. Enhanced affordable housing - an on-site provision of 50% affordable units is now proposed.

### **Consultations responses from the first round of consultation**

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

- WNC Policy Team, Boughton Parish Council, Kingsthorpe Parish Council, CPRE, Minerals and Waste, Northants Badger Group

The following consultees have raised **no objections (subject to conditions)** to the application:

- NHS (CCG), National Highways, Crime Prevention Design Advisor, Environment Agency, WNC Development Management, WNC Landscape, Highways, WNC Archaeology, WNC Ecology, WNC Environmental Health

12 letters of objection have been received including the MP

### **Consultations responses from the second round of consultation**

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

WNC Policy Team, Boughton Parish Council

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

Environment Agency, NHS (CCG), National Highways, WNC Ecologist, WNC Environmental Health, Highways, Anglian Water

13 letters of objection 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
- Impact upon the character and appearance of the locality
- Affordable Housing
- Ecology
- Archaeology
- Highway Safety

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

**1. The site is outside of the Northampton Related Development Area (per Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan) and the proposal is contrary to Policies S1, S4, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies SP1, RA6, ENV1 and ENV3, as it proposes new build residential development in open countryside in a Green Wedge, where there is a presumption against such development unless it is essential for the purposes of agriculture or forestry. No such exceptional circumstances have been demonstrated to justify development in the open countryside and such development would erode the open countryside, the intrinsic character and beauty of which should be recognised (per paragraph 174 of the National Planning Policy Framework) and would not constitute sustainable development within the meaning set out in the National Planning Policy Framework and having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan.**

**2. The housing requirement for the Daventry Rural Areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development.**

**3. Notwithstanding the applicant's stated intention to enter into a Section 106 agreement, in the absence of a completed legal agreement, or unilateral undertaking, the applicant has failed to demonstrate that suitable planning obligations can be secured to mitigate the impact of the proposed development in terms of infrastructure and other requirements (including the required percentage – 50% – of affordable housing) (other than those items that would be provided through the Community Infrastructure Levy) policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy Local Plan. In the absence thereof, the Council considers that the development is unacceptable in planning terms.**

**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**

## **APPLICATION SITE AND LOCALITY**

The site has an area of 2.89 ha. It comprises land in use as a paddock, including a stable building with metal sheeting for its walls and roof, on the north-west boundary of the field. The boundaries to the paddock are variously wire and post and rail fencing and hedgerows with sporadic trees. Along the road frontage there is a largely continuous hedge, typically 2-3m high, although there are some views into the site from Holly Lodge Drive, as the road is, in part, at a higher level than the site.

There are two field gates, one at each end of the site. A Public Right of Way (ProW) runs to the east of the site, from Boughton Green to Boughton Green Road.

There are no designated heritage assets within the site, but within the wider local area there are a number of designated assets, including the Church of St John (scheduled and listed and the nearest such asset to the site); other listed buildings/structures; the registered parkland of Boughton Park; and the Boughton village conservation area.

To the north-east of the site is a disused paddock that was part of a previous application DA/2015/1185, with Boughton Green beyond the north-west is open, agricultural land between the site and Boughton village. To the south-east of the site, on the other side of Holly Lodge Drive, is a housing development (Dixon Road/Rowley Way). Beyond this development is further residential development and a covered reservoir with a water tower and radio mast. There is a footway/cycle path along the southern side of Holly Lodge Drive.

Beyond the remaining part of the south-east boundary, on the other side of Boughton Green Road, are office and other employment uses that form part of the Moulton Park Industrial Estate, which is within the former Northampton Borough. The former Park campus of the University of Northampton lies further to the south-east – the university has relocated to the centre of Northampton and residential development has commenced.

Beyond the south-western extremity of the site is an extensive area of housing that is known generally as the Obelisk Rise development, which is within the former Northampton Borough area. However, between this development and the site there are some long rear gardens and paddock areas that are within the former DDC area. Generally, the existing residential development that is in the immediate area of the site comprises predominantly detached and semi-detached dwellings.

Holly Lodge Drive is an "A" road (A5076). At its western end, it connects with the A508 (Northampton – Brixworth/Market Harborough road) and at its eastern end it meets Talavera Way, at the roundabout which forms the entrance to Moulton Park Industrial Estate. From that roundabout, the A5076

continues through the industrial estate, towards Round Spinney Roundabout, on the A43 (Northampton-Kettering) road.

Boughton Green Road is part of the local highway network and connects with the A508 in Kingsthorpe district centre to the south-west and provides a local route to Moulton Park Industrial Estate and Boughton and Moulton villages.

## **CONSTRAINTS**

The application site is within the open countryside, within a green wedge.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development is an outline application for construction of up to 65 dwellings, all matters reserved except access, comprising 50% affordable housing, community hub (Class E/F), parking, landscaping and associated works including demolition of existing structures on site.

Access to the site is proposed from Holly Lodge Drive. An illustrative layout has been submitted which provides an illustration of how the site could be developed. To the west of the access is a community building, beyond which is an apartment block. To the east of the access is the residential area. A 3m development landscape buffer is proposed along the north west boundary. Open space is proposed fronting Holly Lodge Drive and Boughton Green Road. An attenuation basin is proposed in the north eastern corner of the site.

The application was originally on the agenda of the May Daventry Area Planning Committee however it was deferred for further negotiations. The following amendments have been made;

- An updated layout - The layout has been amended to include an enhanced and widened access could be gained through the proposed development site to enable any future delivery of growth, further to the north. The applicant states that this evidences that, should the application at Holly Lodge Drive be supported, this would not preclude any future growth being delivered as part of the development plan process.
- Pre-school opportunity within the proposed community hub - The applicants are currently in contact with 5 local providers who have demonstrated expressions of interest in working with them as a delivery partner to bring forward a new pre-school facility. The planned facility includes available additional capacity for a flexible community use should this also be required.
- 50% affordable unit - the proposal now includes an enhanced affordable housing offer. A proportion of this could comprise First Homes. The applicants have received an expression of interest from Stonewater RP who are interested in delivering the affordable housing.

## **RELEVANT PLANNING HISTORY**

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

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
DA/2015/1185	Outline application for up to 110 residential dwellings (including up to 35% affordable housing) convenience store with 200sqm of retail space (Class A1) associated uses and parking, Demolition of existing buildings and structural planting and landscaping, informal open space and play area, surface water mitigation and attenuation and associated ancillary works.	Withdrawn
DA/2016/1144	Outline application for up to 75 residential dwellings (including up to 35% affordable housing) Demolition of existing buildings, introduction of structural planting and landscaping, informal open space and play area, surface water mitigation and attenuation and associated ancillary works.	Refused 6.03.2017 (Appeal Dismissed)

Application DA/2016/1144 was refused for the following reasons;

1. The site is outside of the Northampton Related Development Area (per Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan) and the proposal is contrary to Policies S1, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with saved policies GN1 (Criteria B. and F.); EN10; and HS24 of the Daventry District Local Plan, as it proposes new build residential development in open countryside, where there is a presumption against such development unless it is essential for the purposes of agriculture or forestry. No such exceptional circumstances have been demonstrated to justify development in the open countryside and such development would erode the open countryside, the intrinsic character and beauty of which should be recognised (per paragraph 17. of the National Planning Policy Framework) and would not constitute sustainable development within the meaning set out in the National Planning Policy Framework and having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan.

2. The housing requirement for the Daventry Rural Areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development.

3. Notwithstanding the applicant's stated intention to enter into a Section 106 agreement, in the absence of a completed legal agreement, or unilateral undertaking, the applicant has failed to demonstrate that suitable planning obligations can be secured to mitigate the impact of the proposed development in terms of infrastructure and other requirements (including the required percentage – 40% – of affordable housing) (other than those items that would be provided through the Community Infrastructure Levy) as required by saved policy GN2 (Criteria C and D.) of the Daventry District Local Plan and policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy Local Plan. In the absence thereof, the Council considers that the development is unacceptable in planning terms (per paragraphs 203 and 204 of the National Planning Policy Framework). 4. In the absence of an archaeological evaluation, by way of a full geo-physical survey and trial trenching, it is not possible to assess whether the proposed development would have an adverse impact on heritage assets with archaeological interest, contrary to paragraph 128 of the Framework, saved Daventry District Local Plan policy GN2 (Criterion F) and West Northamptonshire Joint Core Strategy Local Plan policy BN5.

This refusal was appealed by the applicants. The Inspector set out the main issues:

The effect of the proposal on the character and appearance of the surrounding area;

Whether the proposal would accord with the development strategy for the area;

Whether the proposal would make adequate provision for affordable housing; and

Whether the proposal should make provision for the Northern Orbital Road (NOR).

In assessing the above issues, the Inspector dismissed the appeal (22.12.2017)

The applicants appealed to the High Court against the Inspectors decision. This appeal was refused on 17.04.2018 for the following reasons;

"Ground 1 - It is unarguable that there was procedural unfairness. The Claimant adduced evidence and expressed its views on landscape and visual impacts, which were duly considered by the Inspector. The Claimant has not identified any further evidence which it could or would have adduced but for the alleged unfairness. The Claimant ought not to have assumed that the Inspector would adopt the Statement of Common Ground (SCG). The SCG was not binding on the Inspector, and he was required to exercise his own planning judgement, based only upon the submission of the parties but also his own assessment of the evidence, including his site visit. Moreover, third parties who were not party to the SCG raised matters relevant to landscape and visual impacts which the Inspector has to address.

Ground 2 - The Supreme Court has recently reiterated that the courts should respect the planning expertise of Inspectors and start from the presumption that they will have understood the policy framework correctly. I accept the submission of the Defendants in their Summary Grounds to the effect that the

Inspector's interpretation of the policies was not even arguably incorrect and that his exercise of planning judgement in the application of those policies did not disclose any error in law.

Ground 3 - I accept the submissions of the Defendants in their Summary Grounds, it is unarguable that there was conflict between 2014 JCS Policy S1(A) and Policy GN1 in the Local Plan, so as to engage section 38(5) PCPA 2004."

The applicants then challenged this decision in the Court of Appeal. This challenge was refused as it was considered to be totally without merit (24.1.2019). The reasons stated are:

"1. Ground 1 is unarguable. There was no procedural unfairness. It was foreseeable that the application might be refused on grounds of landscape and visual impact. Despite the statement of common ground, the applicants were well aware that there were third parties who were objecting to the proposed development on the grounds of landscape and visual impact. The applicants has ample opportunity to adduce evidence and make submissions about that issue.

2. Grounds 2 and 3 are equally unarguable. The Inspector did not misunderstand the development plan. Policies are to be interpreted objectively in context and not as statutes and the explanatory text assists that process. The Inspector's reading of policy S1A was in accordance with those principles. The suggestion that the Inspector failed to distinguish between the old and new plans is equally unfounded for the same reasons."

## **RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

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

### **Development Plan**

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Settlements and Countryside Local Plan (Part 2) adopted February 2020. The relevant planning policies of the statutory Development Plan are set out below:

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

The relevant policies of the LPP1 are:

Policy SA Presumption in Favour of Sustainable Development



Policy S1 Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.

Policy S3 Provision to be made for about 18,870 additional dwellings in Northampton Borough and about 12,730 dwellings in Daventry District for the period 2011 – 2029

Policy S4 Northampton Related Development Area

Policy S5 Sustainable Urban Extensions

Policy S10 Sustainable Development Principles

Policy C1 Changing Behaviour and Achieving Modal Shift

Policy C2 New Developments

Policy RC2 Community Needs

Policy H1 Housing density and mix and type of dwellings

Policy H2 Affordable housing

Policy H4 Sustainable Housing

Policy BN5 The Historic Environment and Landscape

Policy INF1 Approach to infrastructure delivery

Policy INF2 Contributions to infrastructure requirements

Policy N1 The Regeneration of Northampton

Policy R1 Spatial Strategy for the rural areas

### Settlements and Countryside Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

SP1 – Daventry District Spatial Strategy

RA6 – Open Countryside

HO8 – Housing mix and type

ENV1 – Landscape

ENV3 – Green Wedge

ENV7 – Historic Environment

ENV10 – Design

ENV11 – Local Flood Risk Management

### **Material Considerations**

Below is a list of the relevant Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

### **RESPONSE TO CONSULTATION**

Below is a summary of the consultation responses received in relation to the first round of consultation carried out in November 2021.

Consultee Name	Position	Comment
Boughton Parish Council	Objection	<p>1. The Council note the historic planning applications that have previously been rejected for this site. As the proposed application is a mere reduction of 10 dwellings, it is difficult to agree that it is significantly different. However, the Council have assessed the site on its own merit and need only quote the current Design &amp; Access Statement to highlight why it should be rejected.</p> <p>2. Reference to the following key policies within the Local Plan has been made to guide the design...ENV3: Green Wedge</p> <ul style="list-style-type: none"> <li>• The applicant states "following the described pattern of growth for the Northampton</li> <li>• conurbation, the application site now presents itself as the next natural development</li> <li>• phase"2</li> <li>• Paragraph 9.2.01 of the Local Plan (Part 2) states Boughton.... has a distinctive character and it is important that this character is not harmed by urban expansion or coalescence.</li> <li>• Paragraph 9.2.03 states The emphasis for Policy ENV3 is, therefore, to ensure that the areas are kept open around settlements and to prevent coalescence.</li> <li>• The site sits within the Green Wedge. Therefore, it is in direct conflict with policy</li> <li>• ENV3.</li> <li>• The site is also contrary to Local Plan (Part 2) Policies SP1, RA2 and RA6 as it proposes a residential development of new buildings beyond the existing village confines.</li> </ul> <p>Page 20 of the Design &amp; Access Statement 2 Page 30 of the Design &amp; Access Statement</p> <p>3. The location of the site has been shown to be sustainable when considering access to and from the site by modes of travel other than the private car, particularly walking, cycling and public transport</p> <ul style="list-style-type: none"> <li>• Gov.uk website shows from 2015-19, an average of 19% of people had no access to a car or van. This is the same figure from 2002-2006.3</li> <li>• Clearly there is no trend in people using other modes of travel so the site being sustainable on this basis is irrelevant.</li> </ul>

		<ul style="list-style-type: none"> <li>• The application should consider the reality that a significant proportion of households in fact own more than one car.</li> <li>• It is estimated that in 2020, 36.15m of British households owned one car and 25.7m owned two cars. 17m households owned no cars.</li> </ul> <p>4. Describing the impact on Highways as not "severe" and negligible is wholly disputed. See the figures above.</p> <ul style="list-style-type: none"> <li>• If vehicles are able to turn right out of the site to travel down Holly Lodge Drive, then the proposal is extremely dangerous. Holly Lodge Drive is a 40mph road and cars travel at speed across the roundabout and onto Holly Lodge Drive. This would be an accident waiting to happen.</li> <li>• Queries are also raised about how you would access the site when approaching from the roundabout. A right hand turning into the site is likely to cause significant congestion to an already highly congested road network.</li> <li>• An adverse impact on noise and air pollution with the additional traffic movements is inevitable.</li> </ul> <p>5. The application makes several references to walking distance to Northampton University and page 23 of the Design &amp; Access Statement shows an area outlined as Northampton University.</p> <ul style="list-style-type: none"> <li>• It is understood that Northampton University sold the campus to Permission Homes.</li> <li>• Their site plan shows 671 dwellings to be developed which are not only within walking distance of the site, but it is within the designated and agreed Northampton Related Development Area (NRDA).</li> <li>• This casts significant doubt on the applicant's basic due diligence. It also means that they have not factored in the increased pressure that the substantial infill development will have on the Highways when considering the area to be sustainable. 3 <a href="https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/car-or-van-ownership/latest">https://www.ethnicity-facts-figures.service.gov.uk/culture-and-community/transport/car-or-van-ownership/latest</a> 4</li> </ul>
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<https://www.statista.com/statistics/304290/car-ownership-in-the-uk/>

6. The site sits adjacent to the NRDA.
  - Precisely the point, it sits adjacent to it, not within it.
  - This site was previously put forward as an omission site as part of the West Northamptonshire Joint Core Strategy (WNJCS) and it was not accepted for inclusion by the Inspector.
7. The WNJCS, whilst adopted in 2014, was recently endorsed by the three partnering councils in January 2020.
  - No changes were proposed as recently as January 2020. Therefore, the confines of the NRDA continue to be deemed an acceptable boundary. The site does not sit within the boundary.
8. As can be seen on the OS map of the present day, little additional growth of either Boughton or Moulton has taken place
  - Suggesting Moulton has seen little growth is baffling. Moulton Parish Council report that they have seen over 1,000 dwellings of infill development alone. This does not include the impact of 3,500 dwellings from the North Northampton SUE, which sits adjacent to them.
  - Boughton historically had a population of under 1,000 residents (not dwellings). The historic village has in recent years seen planning permission granted for 1,050 dwellings at Buckton Fields (Northampton North of Whitehills SUE). Only this year, they have seen an additional 85 dwellings approved at the SUE.
  - 9. The applicant refers to Section 5 of the NPPF (July 21) – delivering a sufficient supply of homes.
  - The Local Plan (Part 2) states Daventry District being able to demonstrate a land supply in excess of 5 years, a position that has been supported by several Inspectors at appeals across the District, and by the Secretary of State in dealing with a called-in appeal.
10. The applicant emphasises the desirability of a flexible mixed-use community hub/retreat.

		<ul style="list-style-type: none"> <li>• The Parish Council are due to take on the responsibility of the local community centre to be built at Buckton Fields.</li> <li>• The Parish also benefits from use of the community village hall.</li> <li>• The Parish does not need a third facility to manage at the expense of the parishioners.</li> </ul> <p>11. The Parish Council support and recognise the need for affordable housing. However, this should be in areas that have the appropriate infrastructure to support it.</p> <ul style="list-style-type: none"> <li>• The site sits on the periphery of Boughton and directly adjacent to the parish of</li> <li>• Kingsthorpe which is densely populated and suffers from significant traffic congestion.</li> <li>• As affordable houses would not attract a CIL payment the reduction in infrastructure that could be provided by this site would only exacerbate existing problems e.g. to name just a few;- the congested traffic and the overstretched doctors surgery.</li> <li>• E.g. the site sits within the Royal Parks Primary Care Network (PCN) which covers a</li> <li>• population of 34,542 in comparison to the adjacent MWEB PCN which only covers</li> <li>• 31,395.</li> </ul> <p>Spatial Options Consultation</p> <p>Whilst the Council oppose the application and the proposed spatial options, it is interesting to note that site (identified as site 200 in the options consultation) refers to an approximate housing number of 50.</p> <p>It is also worth while noting that should development be granted within the area, applying a piecemeal approach is likely to result in significant defects in the local infrastructure. Should development of the site take place, it should form part of the masterplan for the area in line with the spatial options.</p>
Kingsthorpe Parish Council	Objection	Local Infrastructure cannot cope
Michael Ellis MP	Objection	Impact on local road network and development would lead to further congestion.
NHS (CCG)	Comments	Not sufficient capacity therefore recommend financial contribution of £33 046.30

National Highways	No Objection	
CPRE	Objections	Raise concerns regarding the development and application should be refused. Application site has been subject to an appeal which was dismissed
Crime Prevention Design Advisor	No objections	Recommends a number of crime prevention measures to be considered at the reserved matters stage.
Environment Agency	No objections	
Development Management	No objections	Insufficient early years spaces, primary and secondary school places. Request funds of £258 180 for early years, £258 180 for primary school and £229 000 for secondary school. Requirement for library contributions of £15 535. A condition regrading fire hydrants
Minerals and Waste	Objection	How does the proposal meet Policy 30 of the Minerals and Waste Local Plan? The site is within the separation area for WL7 under Policy 13.
Northants Badger Group	Objection	Development will have a negative impact upon the badger habitat
Ecologist	No objections	Recommends conditions
Archaeology	No objections	Recommends condition relating to a prior to commencement trial trenching in accordance with the submitted Written Scheme of Investigation
Environmental Health	No objections	Recommend conditions are imposed relating to noise, air quality and contamination.
Landscape	No objections	I have now had an opportunity to look at the latest application for this site for 65 dwellings as well as two previous applications DA/2015/1185 and DA/2016/1144. The latest proposal is for the smallest number of dwellings all be it on the same site as the previously application which was refused at committee and subsequently dismissed at the resulting appeal. This proposal has reduced the number of dwellings by 10 which has allowed a greater opportunity for landscaping in the eastern section of the site adjacent to Boughton Green Road north of the roundabout. I have included my comments for the original application DA/2015/1185 that was included in the Committee report, that application also included the northern field where the public footpath bisects, now excluded from this application. The existing hedges, in particular those along the northern and

		<p>north western boundaries are well established preventing views of the field from the north and east. In addition the Landscape Masterplan indicates a provision for additional planting along the northern, south eastern and southern boundaries. In addition as outlined below in my previous comments the field (site) sits below the land south of Holly Lodge Drive. As a result when looking toward the site from north and east the existing properties of Dixon Road and roofs beyond dominate the skyline and would still be visible beyond the site should the site be developed. The south western corner of the site appears to have been planted up which would provide a buffer around an existing footpath. It is important that the properties nearest to the sites north western boundary are set at a sufficient distance from the existing boundary hedge and associated planting. It would appear that the rear gardens end at the hedge. The layout needs to take account of the importance of the hedge and not allow it to be under the ownership/responsibility of the properties in order to prevent it from being cut down, removed or even replaced by a fence. If as I assume the proposed green open spaces within the site fall under the on going care of a management company so should the north western hedge as it needs to be safeguarded long term and have consistent management.</p> <p>I believe there is opportunity for substantial and meaningful landscaping, large areas already allocated on the Landscape Masterplan, though much consideration would be needed in the detail of the planting as well as the importance of the ongoing retention of the sites boundary hedges, as previously I do not object to this application in landscape terms.</p>
Conservation	No Comments received	
Lead Local Flood Authority	No comments received	
Highways	No objections	The Transport Assessment is currently under review, but have no objection to the proposed development

Local Strategy	Objections	<p>Daventry area has a 6.3 year housing land supply. The proposed development is considered to be in conflict with policy S1 (A) of the WNJCS having regard to the context of that policy. In addition it is considered to be in the rural area where criterion D is relevant where there is both conformity and conflict. Regarding policy S4, which allows additional development beyond the SUE's where it meets the vision, objectives and policies of the WNJCS it is evident that there is specific conflict with S10 (i) and N1 (b) and R1 (c). Furthermore the proposal does not feature the policy compliant amount of affordable housing, contrary to policy H2 of the WNJCS.</p> <p>Focusing on the part 2 local plan policies it is evident that there is conflict of the proposed development with policy SP1, RA6 and potentially ENV2.</p> <p>Therefore, because of the conflict with the development plan the proposed development is not, in principle, supported.</p>
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## RESPONSE TO PUBLICITY

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

There have 12 letters of objections raising the following comments:

- Increase in traffic
- Lack of information
- What sort of houses will be built
- What will be community hub be used for
- Crime Prevention concerns
- Hours of working during construction
- University is closed down and housing is being constructed on the site
- Lack of archaeology information
- Previously been dismissed at appeal
- Overdevelopment of the land
- Impact on biodiversity
- Air Pollution
- Lack of GP surgeries
- Impact on character and appearance of the locality
- Coalescence with Northampton



Below is a summary of the consultation responses received in relation to the second round of consultation carried out in August 2022.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Boughton Parish Council	Objects	Previous comments (letter dated 22 October 2021) still stand.
Kingsthorpe Parish Council		No comments received at time of drafting report.
WNC Policy Team	Objects	<p>You are aware of the Policy Team's position on the principal of development in this location. It is located in the open countryside on land that forms part of the Green Wedge, a designation that was confirmed in the SCLP, adopted February 2020. We maintain the view that the proposal is fundamentally contrary to policy for the reasons set out in the document issued to the applicant on 24 August 2022.</p> <p>With reference to the Planning Statement Addendum, the amended layout shows the potential for the site to extend to the north, however, this is not relevant to the current application due to the policy designation; furthermore, the vision and strategy of the emerging West Northants Strategic Plan has not been confirmed. The provision of a community building with indication of interest from a local pre-school does not outweigh the policy objections. At our meeting with the applicant, we indicated that a pre-school would not have wide community benefits and the applicant said that the building could be configured to offer a flexible community space, which is reiterated in the PS Addendum. In terms of need for community facilities and space, there is an existing village hall in Boughton and it is understood that Boughton Parish Council will take over responsibility for the new community centre at Buckton Fields. It is therefore unlikely that an additional facility is needed.</p>

		The site is not within the NRDA therefore in terms of need should be considered against criterion ii of Policy RA2 B. The site is in Boughton Parish and the applicant has not provided any evidence of a need for the indicated number of affordable dwellings (50% equating to approx. 32 dwellings) or market dwellings in Boughton.
NHS (CCG)	Comments	Not sufficient capacity therefore recommend financial contribution of £33,046.30
National Highways	No objection	
CPRE		No comments received at time of drafting the report.
Crime Prevention Design Advisor		No comments received at time of drafting the report.
Environment Agency	No objection	Request conditions for a separate system with only foul draining to foul/combined sewers and surface water draining to soakaways/SUDS, watercourse or surface water sewer.
Minerals and Waste		No comments received at time of drafting the report.
Northants Badger Group		No comments received at time of drafting the report.
WNC Ecologist	No new comments	I note that the applicant has accepted the conditions I previously recommended in my previous comments and therefore I have no new comments.
Archaeology	No objection	The amendments do not result in a material change that would alter the recommendations previously made.
Environmental Health	Comments	The community building is now established as a proposed pre-school facility. This will impact the proposed noise condition previously proposed due to additional noise from use of outside space, although the noise condition does not need amending. At this early stage it is an ideal time to implement air quality improvement measures around the perimeter of the pre-school facility

		in the form of green walls and enhanced distance from kerb side.
Landscape		No comments received at time of drafting the report.
Conservation		No comments received at time of drafting the report.
Lead Local Flood Authority		No comments received at time of drafting the report.
Highways	Comments	No further comments to make. Previous comments are their final opinion.
Anglian Water	Comments	Recommends conditions

## **RESPONSE TO PUBLICITY**

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

There have 12 letters of objections raising the following comments:

- Reiterate previous comments submitted (see above)
- The previous application was rejected by the Planning Inspectorate.
- The change in apartments now at the top of the site will still affect the visual appearance from the road, adjacent fields and properties in close proximity.
- Having gone through the Planning Statement Addendum Mulberry Homes keep suggesting that 'affordable housing' is locally in demand which they say is through their 'own' research. My previous comments remain.
- The proposal will have a detrimental effect on the area. There is insufficient infrastructure in an area which is already at breaking point with transport, education, lack of doctors and services.
- Increase in pollution.
- Detrimental impact on the countryside. Wildlife will suffer.
- Police and schools are already overstretched.
- Employment will not improve as people who buy these houses will already to be working away from the area.
- The change in public activities within lockdown shows a reduction in usage in community centre and more for countryside, so why is one proposed that would not be used. There is already an established community centre and one more being planned for Kingsthorpe.
- The spatial options consultation to look at suitable location for development is only at the first stage. This is a public consultation to which this land is included. This should not even be considered until a decision is made.

- The area is already heavily congested with traffic, with extremely high levels of pollution, increasing the density of housing without a corresponding plan to address these issues is unacceptable.
- Reservation about the affordable housing and if people would be able to afford it.
- The NWRR when completed will bring even more traffic onto the surrounding roads including Holly Lodge Drive being one of the main routes to access Moulton Park industrial estate and with no route yet agreed for the orbital road, this site should not be considered for development.
- The proposal for the community centre will only increase traffic flow in and out of the place.
- Open fields are necessary to sustain and help the environment and given that this location is currently classed as Green Wedge which is explained as fulfilling a biodiversity function and form part of the wider green infrastructure network (taken from Daventry Local Plan Part 2) it should be refused.

## **APPRAISAL**

### Principle of Development

Policy S1 of the WNJCS sets out the over-arching spatial strategy, by identifying how development and economic activity will be distributed. Within the policy, criterion A) notes that development will be concentrated primarily in and adjoining the 'principal urban area' of Northampton. That term is not defined, but Policy S4, concerning the Northampton Related Development Area, makes reference to Northampton's housing needs being met primarily within Northampton's existing urban area and at the sustainable urban extensions within the NRDA boundary. The site, whilst adjacent to the NRDA, does not fall within either of those categories and on that basis, one then has to go to criterion D) of Policy S1 (criteria B) and C) are not applicable). Criterion D) notes that new development in the rural areas will be limited, with the emphasis being on four objectives set out in the policy. The spatial strategy for the Rural Area is then addressed specifically in Policy R1.

As well as referring to a rural settlement hierarchy, Policy R1 sets out the requirements for all residential development in rural areas, by reference to seven criteria, one of which is that the development should be within the existing confines of the village. Development outside of the confines will be permitted under the policy, but only in the circumstances described in the policy. The final part of the policy sets out the criteria that have to be met for housing development to be permitted, once the housing requirement for the rural areas has been met.

In terms of the requirements for all residential development in rural areas, it is considered that the proposed development:

- Would (insofar as can be judged at the outline stage) be capable of providing for an appropriate mix of housing, including affordable housing (criterion A), but see below regarding the quantum of affordable housing);
- Cannot be fully assessed at this stage in terms of whether it preserves areas of historic importance (see below, regarding archaeology); and does affect an area designated as being of environmental importance, in that it is within green wedge (criterion C);
- Subject to any subsequent detail, would be capable of protecting the amenity of existing residents (criterion D); and
- Promotes some, but not all, aspects of sustainable development (criterion F) – see below).

However, the development would not satisfy criterion G), as it is not within the existing confines of a village. Neither criterion B. (would not affect land of particular significance to the form and character of the village) nor criterion E. (is of an appropriate scale to the existing village) would apply, because the site is not within or directly adjacent to Boughton village.

Outside of the village confines, policy R1 permits residential development where it involves the re-use of existing buildings (not applicable here) or, in 'exceptional circumstances, it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy'. The residents of the proposed development could help to maintain existing rural services and facilities; and the development would provide direct employment (through construction jobs) and indirect employment (through residents' expenditure locally). However, this could be the effect of any significant residential development and there is no evidence that the development is essential to securing the objectives set out in this part of R1.

More critically, when the housing requirement for the rural areas has been met – as is now the case – regard has to be had to the five criteria set out in the last part of policy R1, in respect of which a proposed development has to satisfy at least one of the first two criteria and at least one of the remaining three:

i) Would result in environmental improvements – an existing building (stabling) occupies a very small area of the site. Whilst that small, specific area might be viewed as previously-developed land (PDL), the re-use of which is encouraged by the Framework, it is very much ancillary to the use of that field for grazing horses and the site as a whole could not be viewed as PDL.

Consequently, the proposed development would fundamentally not involve the re-use of previously developed land but it would involve the loss of undeveloped open land.

ii) Is required to support the retention of, or improvement to, essential local services that may be under threat – whilst, as noted above, the development could contribute generally to the maintenance of local services, it is not the case that any of these are currently known to be under threat and/or that the proposed development is required to support them.

iii) Has been informed by an effective community involvement exercise – the application was accompanied by a statement of community involvement (SCI).

iv) Is a rural exceptions site – this does not apply to the proposed development.

v) Has been agreed through an adopted neighbourhood plan – this does not apply to the proposed development.

Overall, therefore, the proposed development does not comply with Policy R1.

The previous appeal (DA/2016/1144) stated the following in paragraph 27 of the Planning Inspectorates decision:

*'However as no substantive evidence is before me to demonstrate that the proposal would undermine the regeneration of Northampton, the proposal would not conflict with Policy N1. That said, the absence of conflict with Policy N1 would not outweigh or prevent the conflict of the proposal identified in respect of JCS Policies S1, S4 and R1. Consequently, based on the conflict of the proposal with Policies S1, S4 and R1, the proposal would not accord with the vision, objectives or development strategy of the JCS.'*

Since the appeal decision, the Settlements and Countryside Local Plan Part 2 (LPP2) has been adopted. In addition, at the time of writing the report, the Daventry Area has a 6.3 year Housing Land Supply.

LPP2 Policy SP1 sets out the spatial strategy for the Daventry District or Area, and how development will be distributed around the area. Similar to WNJCS Policy S1. Development should be focused on the following:

A. Focusing development at Daventry town to deliver its regeneration and reinforce its role as the sub-regional centre of West Northamptonshire and its ability to support the surrounding communities;

B. Allowing for development that is consistent with the approach relating to the Northampton Related Development Area in policy S4 of the WNJCS.

The proposal does not focus development at Daventry, therefore the proposal would not satisfy criterion A. The site is located within the open countryside, albeit on the edge with Northampton Town.

The development is not within the NRDA area, the previous appeal inspector also concluded the site was not part of this area; therefore, the proposal would not satisfy the requirements of SP1.

Paragraph 4.1.05 of the Part 2 Daventry Local Plan sets out the importance of maintaining adherence to policies in relation to the NRDA and not allowing

piecemeal developments outside the designated area purporting to be related to the growth of Northampton.

Any such sites should be promoted through the review of the of the West Northants Strategic Plan, and not by way of speculative applications and appeals – a process this site has already been through prior to the adoption of the Part 2 Local Plan:

**4.1.05 As this is a Part 2 Local Plan it is crucial that this over-arching spatial strategy of the WNJCS is carried forward. With respect to the NRDA, it is important that Northampton’s needs are met in a plan-led manner to avoid piecemeal development. As set out in para 5.12 of the WNJCS piecemeal development can increase the load on the current road and utilities infrastructure, without bringing forward the economies of scale that would make the provision of further infrastructure cost effective and therefore deliverable. Such a pattern of development in the District is not considered to be sustainable. It is not within the scope of the Part 2 Plan to plan for development that meets the needs of Northampton (outside the SUEs that have already been allocated). Work on the review of the WNJCS (Part 1 Plan) is underway, and this Plan would not inhibit additional development coming forward to meet Northampton’s needs should it arise from that review in the West Northamptonshire Strategic Plan.**

LPP2 Policy RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. This restricts development within the open countryside to a certain type of development, namely re-using existing buildings within the open countryside for the purposes of a rural worker (i), the replacement of an existing building on the same footprint, bulk and use (ii), individual dwellings that are innovative (iii), the optimal use of a heritage asset (iv), the re-use of a redundant or disused building that leads to an enhancement (v), extensions to existing buildings which respect their form and character (vi), essential investment in infrastructure including utilities (vii)

The application does not meet any of these requirements; therefore, the proposal does not accord with Policy RA6 of the LPP2. Further consideration on the impact on the character and appearance is considered below.

Following the original submission of the application, the applicant has sought to slightly amend the scheme. Firstly, the site layout plan has been updated. The layout has been amended to demonstrate that an enhanced and widened access could be gained through the development site to enable any future delivery of growth, further to the north, in alignment with the emerging growth options set out in the draft Local Plan. Whilst the site may not preclude future growth, no decision has been taken on where this future growth will be and consequently this has no impact the current development and would not outweigh policy objections to the location of development.

Secondly, the building previously shown as a community building to the west of the access point is now proposed for a pre-school facility. The applicants have carried out their own research and have advised that pre-school providers are oversubscribed. The applicants are working with 5 local providers who have demonstrated expressions of interest in working with them as a delivery partner to bring forward a new pre-school facility. The proposed facility includes available additional capacity for a flexible community use should this be required.

Whilst officers acknowledge there may be a lack in pre-school providers, the addition of this facility again does not outweigh the policy objection to the location of the proposed development. It is also noted that a new community building will be provided on Phase 3 of Buckton Fields which now has planning approval and work has commenced on this phase.

Overall it is considered that the principle of development should not be supported. It is closely related to existing development on the edge of Northampton; however, the site is not within the NRDA area. Development on this site should not be supported unless other material considerations indicate otherwise. Officers do not consider that the amendments proposed to the scheme change this opinion.

#### Impact on Character of Area

LPP1 BN5 relates to the Historic Environment and Landscape. This seeks for development to be sympathetic to the locally distinctive landscape features, design styles and materials in order to contribute to a sense of place (3). The application is in outline format, so there is potential that the development could sit well within the site. The Landscape Officer has offered no objection to the proposal, and the development could sit well within the site. The masterplan allows for extensive planting, however further consideration would have to be had to this at a later stage if outline planning permission was granted.

LPP2 Policy ENV1 seeks to ensure proposals maintain the distinctive character and quality of the districts landscape. This policy also seeks to ensure that development does not have a hard edge to edges of development. The Landscape Officer has no objection to the scheme, and according to the masterplan the development could result in a development which has a soft edge to the open countryside.

LPP2 Policy ENV3 states; 'To protect the identity, character and setting of settlements within the areas that fringe Daventry and Northampton, proposals within the Green Wedges will be required to demonstrate that they would maintain the physical and visual separation between settlements.' (A).

There is an argument that the proposed development would try and seek to retain the physical and visual separation between villages. It is noted that the Landscape Officer has no objection to the proposal, likewise had no objections



to the previous applications. The Planning Inspectorate considered that the site is an important space. Within paragraph 7 of the planning inspectorate's decision, it states:

*'When viewed from public vantage points along the adjoining section of Holly Lodge Drive, Boughton Green Road and the public right of way, the site has a close visual relationship with the wider countryside. Whilst built form is to the west at Reynard Way, intervening domestic gardens, fields visually separate it from the site. This visual separation from Reynard Way and the vegetated roadside boundary along this section of Holly Lodge Drive further reinforces the close visual relationship of the site with the wider countryside. The vegetated roadside boundary of the site and surrounding boundaries, combined with the topography of the site and adjoining fields, provide a defined visual edge that defines the urban form of Northampton and the open countryside. The site makes a positive contribution to this defined visual edge and to the open countryside within which it is located.'*

*Paragraph 12 of the inspectorate's decision goes on to state;*

*'In reaching this view, I acknowledge that the Council's Landscape Officer raises no objection to the proposal in landscape terms. However, for the reasons given above, I disagree that additional landscaping, existing boundary vegetation, ridges to the north and North West, and the elevated housing to the immediate south would fully mitigate the impact of the development. It follows that I cannot agree that the proposal would improve the appearance of the site.'*

The application is for 10 less houses than the previous scheme, and it is providing a community building. Although this is the case, and the fact the Council's Landscape Officer does not offer any objection to the proposed development, great weight needs to be given to the Planning Inspectorates decision notice. There will be harm to the character and appearance of the locality which will erode and undermine the purpose of the Green Wedge. Therefore, consideration has to be had whether there is any other material considerations outweigh the harm to the locality.

### Affordable Housing

LPP1 Policy HO2 relates to affordable housing, which requires sites outside the NRDA and over 5 dwellings to provide 40% of affordable dwellings. The amended scheme now proposes provide 50 affordable dwellings. This is in excess of the policy requirement.

The applicants have advised that a proportion of this could comprise First Homes which the applicants have advised, following their own research, is locally in demand. The applicants also advise that they have received an expression of interest from Stonewater RP who are interested in delivering the affordable housing.

The proposal is therefore policy compliant in regards to the affordable housing provision and as such in accordance with LPP1 HO2, however, it is not considered that this outweighs the policy objections outlined above.

#### Impact on Highway

The applicants have worked with Highways to overcome initial concerns regarding the Transport Statement. Therefore based on the information it is unlikely the development will result in a danger to those using the highway in accordance with Policies C1 and C2 of the LPPP2.

#### Biodiversity

LPP1 Policy BN2 supports development that will enhance and maintain existing designations and assets or deliver a net gain in biodiversity will be supported.

LPP2 Policy ENV5 supports proposals that conserve and enhance designated and undesignated sites and species of national and local importance for biodiversity.

The applicants have submitted ecological surveys to assess the impact of developing the site, and the ecologist has considered these findings. The ecologist, provided conditions are imposed on any approval, is satisfied the proposal will not have a detrimental impact upon biodiversity.

#### Surface Water Drainage

LPP1 Policy BN7 seeks to ensure developments will comply with Flood Risk Assessments to ensure the development does not exacerbate the situation elsewhere. Developments should mitigate against its own impacts.

LPP2 Policy ENV11 seeks to manage flood risks.

At the time of writing this report, no comments have been received from the Lead Local Flood Authority. Therefore, it is unknown whether the proposal will have an adverse impact to the flooding. Although it is noted that the previous applications were not refused on this basis. This application is for a smaller development therefore it is unlikely to result in a detrimental impact on flooding.

#### Minerals and Waste

Concern has been raised that the proposed development would not accord with the minerals and waste local plan Policy 30. Although this is noted, this was not used as a previous reason for refusal. It would be unreasonable for the Council to refuse the application on this basis.

#### Archaeology

Concern has been raised regarding the impact on undesignated heritage assets. The previous applications have not been refused on this basis. In addition the archaeologist considers that a condition for a pre-commencement survey would be appropriate in this case.

## **FINANCIAL CONSIDERATIONS**

The proposal will be CIL liable, however this is unknown as the proposal is in outline form only CIL would be applied at Reserved Matters stage. Therefore at the present time the CIL liability is not known. There are other financial considerations on this particular application, including jobs during construction, community building.

The development will need to mitigate against its impact, through the provision of S106 monies. A request has been made for a contribution from the Nene Clinical Commissioning Group (NCCG) as well as a contribution to education provision. Although this would be a financial contribution to the scheme, these contributions would be required to mitigate against the impact of the development. Therefore, these contributions carry limited weight in determining the planning application.

## **PLANNING BALANCE AND CONCLUSION**

The proposal seeks to provide a scheme, which is beneficial to the locality, which provides a community facility. It is noted that the scheme seeks to address the previous appeal decision; the site is still located within the open countryside, outside the confines of Boughton and Northampton. The principle of development is not supported.

The site is not located within the NRDA, which seeks to provide the shortfall for housing for Northampton, therefore the principle of residential development should not be supported. The Daventry area can demonstrate a 5-year housing land supply. At the time of writing the report, the Daventry Area had a 7.5 year supply. It is noted that the Landscape Officer does not have an objection to the proposal. The Inspector concluded that the site was an important feature, and development on this site would harm the character and appearance of the locality.

The applicants have tried to overcome the inspectors concerns, however developing the site will not overcome the previous appeals decision. The benefits of the scheme do not outweigh the harm caused to the character and appearance of the locality, as well as the principle of development of land outside the established confines.

## **RECOMMENDATION**

The proposal is therefore recommended for **refusal** based on the following reason:

## **REASONS**

### **REASONS**

- 1. The site is outside of the Northampton Related Development Area (per Policy S4 of the West Northamptonshire Joint Core Strategy Local Plan) and the proposal is contrary to Policies S1, S4, N1 and R1 of the West Northamptonshire Joint Core Strategy Local Plan, together with the Settlements and Countryside Local Plan Part 2 Policies SP1, RA6, ENV1 and ENV3, as it proposes new build residential development in open countryside in a Green Wedge, where there is a presumption against such development unless it is essential for the purposes of agriculture or forestry. No such exceptional circumstances have been demonstrated to justify development in the open countryside and such development would erode the open countryside, the intrinsic character and beauty of which should be recognised (per paragraph 174 of the National Planning Policy Framework) and would not constitute sustainable development within the meaning set out in the National Planning Policy Framework and having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan.**
- 2. The housing requirement for the Daventry Rural Areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development.**
- 3. Notwithstanding the applicant's stated intention to enter into a Section 106 agreement, in the absence of a completed legal agreement, or unilateral undertaking, the applicant has failed to demonstrate that suitable planning obligations can be secured to mitigate the impact of the proposed development in terms of infrastructure and other requirements (other than those items that would be provided through the Community Infrastructure Levy) policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy Local Plan. In the absence thereof, the Council considers that the development is unacceptable in planning terms.**

## **NOTES**

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

**In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application**

