

# **West Northamptonshire Council**

## **Planning Committee Template**

**Application Number:** WNS/2022/0253/FUL

**Location:** Land South Of Cross Lane Helmdon

**Proposal:** Proposed infill dwelling with parking, turning and amenity space

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**Applicant:** Mr & Mrs Foote

**Agent:** Roger Coy Partnership

**Case Officer:** Tom Ansell

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**Ward:** Silverstone

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**Reason for Referral:** Controversial application

**Committee Date:** 03/11/2022

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

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The application seeks permission for a single four-bedroom dwellinghouse and attached garage, with associated amenity space and parking. The application site is a paddock of semi-managed grassland to the south of 2 Cross Lane, a converted barn with associated garden, garage with living accommodation above, and parking area presently to the west and south.

The scheme has been amended, changing the position and orientation of the dwelling, as well as its layout, and simplifying its material palette too. A full reconsultation process was undertaken as a result, in late April.

Some of the comments below were received to the original scheme.

#### **Consultations**

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

- WNC Conservation [reservations held], Helmdon Parish Council

The following consultees have raised **no objections** [conditionally or otherwise] to the application:

- Local Highway Authority, Building Control, Archaeology, Crime Prevention Design Advisor, Ecology Officer, Environmental Protection

In excess of thirty response have been received to the application, with a relatively equal split between those that responded to the original scheme, and those who responded to the amended scheme (which the Council performed a full reconsultation on). The majority of these responses are raising objections or concerns. There is one comment of support.

## 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
- The visual impact of the development
- The impact of the development on the setting of the listed building
- Ecology
- The impact on residential amenity (neighbours)
- The impact on adjacent commercial uses
- Highway safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**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 site is a parcel of semi-managed grassland to the south of 2 Cross Lane, Helmdon. 2 Cross Lane was formed by converting a limestone barn (and extending it) in the late 1970s/early 1980s, and it has its own private and enclosed garden immediately to the south, and a parking area to the west, accessed off Cross Lane.
- 1.2 A gate then permits access to a grassed area where there is children's play equipment and a garage/store building, also finished in limestone. This has a 'habitable room' above it (as described by permission S/2005/0225/P) and balcony, accessed via external staircase.
- 1.3 The site is accessed by a relatively narrow gap between a flat-roofed limestone store and the boundary fence defining the boundary to what appears to be 58 Wappenham Road.
- 1.4 The site is mainly grassed, with a small allotment-style arrangement and greenhouse in its north-western corner, where the site directly borders 1 Field Way, an L-shaped bungalow. The south-facing rear garden of the bungalow was, at the time of Officers visiting in March 2022, quite exposed with a low drystone wall demarcating its boundary. While no photos have been obtained, Officers note that a taller fence has been erected within the garden, inside the stone wall.
- 1.5 Mature planting and trees define the eastern and western boundaries around the location of the proposed dwelling. To the east, number 4 Cross Lane's extensive garden stretches from the rear raised balcony immediately to the south of a new extension, all the way to

the edge of open countryside. To the west, the site borders 2 Field Way, a listed dwellinghouse with some historic outbuildings and parking areas around it that facilitate the operation of a fruit and vegetable wholesale business (A W Duncombe & Son).

- 1.6 More buildings, described as a 'stable block' by permission S/2008/1185/P, are located to the south-west and also appear to be in the same ownership as 2 Field Way, accessed via a track which was permitted in S/2009/0656/P. Officers note this permission requires the track's use only in conjunction with the private use of the 2008 permitted stable building.
- 1.7 The southern edge of the site is defined by a simple timber fence and field entrance gate. This permits access into more land apparently owned by the applicant, across which runs a Public Right of Way. The land continues to slope downwards.
- 1.8 The village confines run east/west along this southern boundary, and the southern boundaries of a number of dwellings that sit to the south of Cross Lane.

## **2. CONSTRAINTS**

- 2.1. The application site is within the settlement confines of Helmdon. There are five local wildlife sites within 2km of the site, and the site is considered to have potential for both protected species and archaeological assets. There is a low risk of surface water flooding. As noted above, 2 Field Way is a Grade II listed building, and while it's never been formally authorised, a well-established commercial enterprise operates from the outbuildings around 2 Field Way.

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

- 3.1. The application seeks permission for a stone-finished four-bedroom two-storey dwelling with projecting single storey garage, located just north of the centre of the wider, squarer portion of the paddock.
- 3.2. The development's access will be taken from Cross Lane, sharing it with 2 Cross Lane (the converted barn). It will run alongside the garage and its flat-roofed store, and then south into the paddock, terminating at a turning/parking area to the immediate north of the proposed dwelling.
- 3.3. The dwelling will have outside amenity areas to its west and south.
- 3.4. The development can be reasonably described as 'tandem backland'. While this is typically referred to the redevelopment of gardens, and Officers are not convinced the parcel of land is a residential garden (i.e., in C3 use), it is nonetheless an open space with a clear association with 2 Cross Lane. Therefore, 'tandem backland' is felt to be an acceptable term in this instance.

## **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history directly relevant to the proposal.
- 4.2. However, pre-application advice was offered by the Council under reference P/WNS/2021/0143/PRM:

*'I confirm that the principle of development is generally acceptable. I have some general observations on design, scale and layout which I will set out in the report*

*below. I would also need some more information on how the agricultural/equestrian yard to the south-west of the site is used, to be certain that there was no risk of a land use conflict/harm to the amenities of future occupiers of the new dwelling. I would only be able to establish this during the course of a full application, by visiting the neighbouring site.'*

## **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 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
- S10 – Sustainable Development Principles
- H1 – Housing Density and Mix and Type of Dwellings
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- R1 – Spatial Strategy for Brackley

#### XXXX Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- LH1 – Residential Development Inside and Outside Settlement Confines
- GS4 – Backland Development
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings

### **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

## 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. Some of these responses, where noted, were to the originally submitted scheme.

Consultee Name	Comment
Helmdon Parish Council	<p>Concerns raised in respect of sightlines onto Cross Lane, a single-track public highway, and potential parking pressures on The Square. Concerns about impact on the setting of adjacent listed buildings, and the general backland/tandem nature of the proposal. Request application is refused and determined by planning committee.</p> <p>Following reconsultation, the Parish Council submitted the following:</p> <p><i>'This request has been reviewed twice by Helmdon Parish Council and is unable to support the Application.</i></p> <p><i>Parish Council reasons:</i></p> <p><i>The proposal is likely to an increase in car parking on the square, where space is very limited.</i></p> <p><i>The proposal would affect the setting of adjoining and nearby listed buildings.</i></p> <p><i>The proposal even with recent amendments constitutes backland/tandem development which is contrary to adopted planning policy.'</i></p>
Local Highway Authority	<p>The following comments were submitted following receipt of amended/updated access information:</p> <p><i>'The LHA is satisfied that vehicular visibility is achievable and the access dimensions have been amended to allow for the passing of opposing vehicles with the inclusion of a turning head ensuring vehicles are able to enter the highway in a forward gear. Although pedestrian visibility is not achievable due to solid structures, the applicant has removed the section of low wall on the access which has improved overall visibility. This is a rural application on a no through road where anticipated footfall will be low.'</i></p> <p>Comments have been made about the surface of the crossover and the first 5.5m inside the site.</p>
Building Control	<p>No objections raised subject to surface water being dealt with by soakaway, fire vehicle access to be ascertained, and radon protection to be ascertained.</p>
Heritage Team	<p>These comments were received in late February 2022:</p> <p><i>'A new dwelling is proposed, given the proximity of the proposed dwelling to the listed building a new dwelling in this position will affect its setting. The proposed dwelling is located to the north of the site in general alignment with the listed building and is not therefore considered to diminish the edge of village setting of the listed building. In terms of design the proposed north elevation is more traditional than the south which includes high levels of glazing, this is in direct contrast to the traditional fenestration of the listed building whose principal elevation</i></p>

	<p><i>faces south and whilst the elevations closest to the listed building are blank the combination of the proximity of the listed building to the proposed dwelling and contrast between the styles or not considered complimentary.'</i></p> <p>Comments were then submitted on 6<sup>th</sup> June to the amended scheme:</p> <p><i>'I have now had an opportunity to consider the latest information submitted in support of the application and I have no further comments to make. I do however recognise that improvements have been made to the design of the attached garage.'</i></p>
Archaeological Advisor	<p>Comments received on 1<sup>st</sup> March 2022:</p> <p><i>'The site is located towards the north eastern edge of the village of Helmdon. As my colleague Liz Mordue pointed out in her pre-application response, the manorial history of Helmdon is complicated by the presence of three manors (Overbury, Middlebury and Netherbury) during the medieval period. Available records indicate that the northern part of the village developed gradually to either side of the main Wappenham road in contrast with the southern extension of the village, which is thought to have been, in part, planned around one of the three manorial sites, specifically the principal manor of Overbury. Earthworks associated with the manor survive in this area.</i></p> <p><i>The proposed development may, therefore, have a detrimental effect upon surviving subsurface 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.'</i></p>
Crime Prevention Design Advisor	<p>Comments on the original scheme:</p> <p><i>'This development constitutes a back land development with access alongside other dwellings not visible from the public highway. Due to the lack of any capable guardianship, it is important that the dwelling is protected by a fit for purpose intruder alarm and has 3rd party accredited security rated doors and windows. The site will be protected to some extent by the provision of a gate but the design of this should ensure that it cannot be easily scaled, and it has an automatic operation which will ensure it is closed when not in operation.'</i></p>
Environmental Protection	<p>In respect of general matters, the EH officer requests submission of a Construction Management Plan (condition) and the full suite of land contamination conditions. EV charging points are also requested via condition.</p> <p>In respect of noise impacts, the Technical Note submitted on 12<sup>th</sup> October has been reviewed by Environmental Health and they confirm the findings of the report show that acceptable external noise levels can be achieved. A condition has been requested:</p> <p><i>'Prior to the commencement of the residential unit a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.</i></p> <p><i>Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.'</i></p>
Ecology Officer	On Great Crested Newts:

	<p><i>'The report details the potential impact on Great Crested Newt (GCN) given the development sites location within an amber zone on the Impact Risk Mapping that support the Great Crested Newt District Level Licensing Scheme, the presence of several ponds within 500m of the site to the south-west and the potential (however low) for migrating and sheltering newts on site. The development site contains habitats that are of poor suitability for Great Crested Newts, there is however a low potential for them to be present on site, therefore the proposed mitigation measures in the form of a non-licenced strategy of reasonable avoidance measures would be proportionate and acceptable in respect of this development and the proposals. I have recommended a condition for the submission for a reasonable avoidance measures strategy (RAMS) prior to commencement.'</i></p> <p>On other protected species:</p> <p><i>'Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the recommendations, mitigation and enhancements identified in section 6 of the Preliminary Ecological Appraisal, by Philip Irving, dated June 2022 are followed fully and successfully.'</i></p>
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## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing the report. All (redacted) comments can be viewed on WNC's website:

<https://snc.planning-register.co.uk/Planning/Display/WNS/2022/0253/FUL>

7.1. There have been a large number of responses to the application. The majority of these are objections. There is one comment of support. The concerns raised in the objections cover the following topics:

- Disruption to amenity of adjacent neighbours though overlooking, loss of privacy, noise disturbances (from the long driveway), overshadowing and loss of daylight.
- Disturbances from construction traffic in the event the application was approved.
- Traffic/parking/highway safety concerns relating to the access between the site and Cross Lane, the potential impact on the 'Square' immediately to the north-west (with very limited on-road parking provision), the lack of visibility onto Cross Lane and potential for conflict between additional vehicles leaving/entering the site.
- Parking provision within the site in particular is a concern to a number of local residents.
- The proposal is backland development and as such is contrary to adopted planning policy.
- The proposal is backland development and as such is contrary to the Council's Design Guide.
- Developing the fields behind dwellings will harmfully change the village.
- The inadequacy of Cross Lane's sewer system and the increased pressure that will be placed upon it by a new dwelling.
- Approving the proposal would give a '*carte blanche*' for all residents of Cross Lane to do the same (*Officer's response; all applications are considered on individual merits, the risks of 'what might happen' cannot be afforded weight in decision-making. However, notwithstanding this, Officers have provided some consideration of this in the report below*).



- The potential impact on protected species/habitats/wildlife etc (*Officer's response; Ecology Officer consulted and relevant information obtained/reviewed. See Ecology Officer response to this matter*).
- The site is located on a flood plain and floods every year with the adjoining water meadows (*Officer's response; the site is not a Flood Zone 2, 3a or 3b – it's a Flood Zone 1 which represents the lowest risk according to the Environment Agency's standing advice*).
- The current dwelling will be left with very little amenity space and parking following the development, and properties in Field Way will be 'hemmed in' by the development.
- The development will encroach upon Helmdon's 'central green space'.
- The development will potentially impact the stability and foundation of a listed drystone wall sited between the proposed development and the adjacent (2 Field Way's) garden (*Officer's comment; while the curtilage listed status of the wall does afford it protection, the impact of a development on building or property owned by another party is a civil matter, usually dealt with by the Party Wall Act. No concern in respect of the impact on the wall has been raised by the Council's Heritage Team. Construction management can be used to prevent any materials, machines or significant works taking place near to any protected walls. In the event the applicant carries out works to the wall without listed building consent being in place, this will be a matter for the Council's enforcement team*).
- The adjacent business A W Duncombe & Son could be adversely impacted through the introduction of a new dwelling in this location, through the potential for noise disruption from the operation of a fruit and vegetable wholesale business. This is particularly because busiest times are Sunday afternoons and weekday evenings, with forklifts operating and other vehicular movements. A cold room fridge motor also runs 24/7 near the boundary of the site.

7.2. A detailed response to the application has been received from Aitchison Raffety acting on behalf of an adjacent neighbour. The response covers, in considerable detail, the tandem backland nature of the development, the proposed access between the site and Cross Lane (and lack of pedestrian visibility splays) the distance between the new dwelling and the highway, the necessary waste collection arrangements (mainly with reference to the Council's Design Guide and relevant Building Regulations), the parking requirements for the new dwelling, the impact the access/vehicular movements generated by the single dwelling will have on amenity through noise/glare from headlights etc, the impact on the character and appearance of the settlement, the impact on the setting of the adjacent Grade II listed building, the absence of an Ecology Survey and potential issues with drainage. The full 11-page response can be viewed on the Council's website.

## 8. APPRAISAL

### Principle of Development

#### *Policy*

8.1. Despite the site's southerly projection from the built form along Cross Lane, it is contained within the confines of the settlement as defined by policy SS1 of the Local Plan Part 2 (LPP2). Helmdon is a 'Small Village' (Category 4), meaning it is considered to have a limited range of services and its residents are more likely to rely on the services of larger centres for day-to-day needs. In the case of Helmdon, such centres might be Brackley or Middleton Cheney, as it is roughly equidistant from both. It is notable that, in terms of physical scale and population, Helmdon is quite a large 'Small Village'.

8.2. Policy LH1 advises that new development within the settlement confines will be acceptable in principle where it...

- a. provides for an appropriate mix of dwellings in accordance with Policy LH10 of this Plan; and
- b. would not result in harm to the character of the area or the loss of public or private open spaces that contribute positively to the local character of the area (including residential gardens); and
- c. does not need substantial new infrastructure or other facilities to support it; and
- d. would not displace an existing viable use such as employment, leisure or community facility.

8.3. The proposal is also a 'backland' development of the 'tandem' variety (i.e. two dwellings sharing the same access with one dwelling sited behind the other one). This type of development is covered by policy GS4 of the LPP2:

**POLICY GS4: BACKLAND DEVELOPMENT**

<p>1. Development proposals involving infilling, backland, tandem or the complete or partial redevelopment of residential garden land will not normally be permitted, unless the development scheme can demonstrate the following:</p> <ul style="list-style-type: none"><li>a. it will not adversely affect the character of that part of the settlement; and</li><li>b. it will not adversely affect the amenities of neighbouring residential properties; and</li><li>c. suitable parking can be provided.</li></ul>
<b>Delivers Objectives: 9, 10</b>

8.4. Policy R1 of the Joint Core Strategy considers residential development in the rural areas within the district. It works with the Council's Settlement Hierarchy inasmuch as it focuses new built form onto sites within the settlement confines (R1(g)) of various categories of settlements. A key strand of this is ensuring any proposal is of an appropriate scale to the existing settlement (R1(e)).

*Assessment*

8.5. At a broad level, as the site is within the settlement confines of Helmdon, its redevelopment in principle can be considered acceptable. This is caveated on a number of criteria being met, set out within policy LH1.

8.6. The scheme proposes a single dwelling, and as such there is no requirement to provide a suitable housing mix within the development. The scheme does not displace any former uses, as the land is underused amenity/paddock land in the ownership of 2 Cross Lane. It will not need any significant new infrastructure or new facilities to support it, either.

8.7. The key strand of LH1 that requires complying with, therefore, is (b), '*would not result in harm to the character of the area or the loss of public or private open spaces that contribute positively to the local character of the area (including residential gardens)*'. This criterion is considered to tie into one of the requirements of policy GS4, which focuses on backland development in particular.

8.8. A number of comments have been received, with reference to both adopted planning policies and the Council's Design Guide, noting that the scheme as proposed, by virtue

of being tandem backland, is unacceptable in principle as it fails to comply with both. The Parish Council is one party making this comment.

- 8.9. When considering whether something is unacceptable in principle, it is important to consider the wording of the policy, or guidance. Policy GS4, which represents the Council's present and most up-to-date policy position, advises that all infilling, backland and tandem development, or the complete or partial redevelopment of residential garden, will not **normally** be permitted **unless** the scheme can demonstrate compliance with three criteria. Such wording does not categorically rule out such development as a matter of principle; if the criteria can be met, then it is submitted by Officers that tandem backland development can be regarded as acceptable in principle.
- 8.10. Similarly, Chapter 4.6 of the Design Guide provides a more detailed position on backland and tandem development. The introductory paragraph is crucial; *'Priority will be given to protecting the amenity of existing property and all proposals for backland development will be judged in the first instance on this criterion'* (4.62). Paragraph 4.64 advises that tandem development is *'generally unacceptable due to the detrimental impact that the additional property has on the amenity of the existing property at the front of the site'*.
- 8.11. This chapter of the Design Guide provides some illustrations of unacceptable forms of backland and tandem development. One of these shows four dwellings being squeezed into a small plot behind a row of houses, with poor amenity spaces, and in close proximity to the existing dwellings. Another shows a dwelling positioned on a generous plot located significantly further beyond the established built limits of the settlement it lies within. Officers consider neither example to be comparable to the application scheme for reasons that will be established below.
- 8.12. Paragraphs 4.66 – 4.68 provide some useful advice on how backland development should be considered. Paragraph 4.67 advises that *'consideration should be given to the existing street scene'* and notes that *'boundary treatments, street planting and trees, the building line, and the rhythm of the buildings and driveways should be observed'*. In particular, it is emphasised (by paragraph 4.68) that access must be achievable *'without significantly impacting upon the existing appearance of the street'*.
- 8.13. Paragraph 4.69 also provides some useful guidance in this regard:

*'Development is unlikely to provide frontage onto the existing road, but it should not detrimentally affect the contribution of the frontage of the existing dwellings onto the street scene. The utilisation of a shared access onto the main carriageway can help minimise this impact.'* [emphasis added]

- 8.14. All of the above makes it reasonably clear to Officers that, in the event that residential amenity can be safeguarded for neighbouring properties, and the street scene preserved, and as long as the dwelling will not appear as a significant outlier relative to existing established built form within the settlement, tandem backland development could potentially be regarded as acceptable.
- 8.15. As it has been established, the scheme before the Council is a tandem backland development. The scheme will share access with 2 Cross Lane, and will be located on a parcel of paddock/amenity land located to the south of this dwelling. Below, Officers will consider all three criteria of GS4, with reference to the Design Guide where relevant.

The impact on the character of the settlement (GS4(1.a)).

- 8.16. Helmdon is a settlement that, when considered as a whole, contains a variety of development forms and blocks. It could be argued that it is predominantly linear, with

development along Church Street and Station Road both addressing these main thoroughfares respectively. Certainly, along Wappenham Road, development is *generally* located on both sides of the highway, addressing it with a defined frontage.

- 8.17. However, there are a number of off shoots, backland or other 'no-through-road' cul-de-sacs and development blocks that add variety to this trend; Hintons Close, Bell Close, Shortlands Close, Wrightons Hill, Field Way and Lukes Close all deviate from the established norm along the main roads through Helmdon.
- 8.18. More relevant to the site in question, Cross Lane is a narrow, single width track that projects eastwards from Wappenham Road. Development along Cross Lane provides an enclosed, addressed street frontage, particularly on its northern side (the southern side is more varied in terms of building line). This works in its favour, creating a typical narrow enclosed village street which is characteristic of settlements within the Council's district. In this context alone, it is acknowledged that the proposed development represents a significant deviation from the norm; it will have no street frontage and very limited visibility from Cross Lane, if at all.
- 8.19. However, to the west of the site is Field Way, and development along Field Way is very mixed. Initially the street scene is enclosed, but it then becomes more varied, with some dwellings fronting the road, others orientated gable on and stepped back. 2 Field Way faces north, and presents one of its impressive façades to the small track that leads up to it (it is understood its south-facing façade is considered the 'principal' elevation).
- 8.20. In addition to this, the built form associated with 2 Field Way spreads (gradually) further south. The established stable buildings and the majority of the access track to these buildings are outside of the confines, with the stables lying further south than the site identified for development here.
- 8.21. In this more complete context, the proposed development is not considered to appear at odds with the locality's established grain and pattern of development. The built form – the dwelling and attached garage – will sit no further south, and directly alongside existing established built form within the village. From vantage points to the south, the public right of way, it will be viewed against the backdrop of *immediate* development – Field Way - rather than as a standalone outlier with no link or connection to Cross Lane or residential dwellings to the north. Its orientation, principal elevation facing northwards, ties it well into the orientation of the adjacent 2 Field Way.
- 8.22. Consequently, Officers consider that the proposal does not inherently harm the character and setting of the settlement, either locally or on a wider level. The new dwelling, located within the settlement confines, and while without any formal street frontage to Cross Lane, nonetheless maintains a tangible relationship with the built form within the village, and will not appear as an abnormal, isolated unit with no association with it.
- 8.23. Officers conclude the scheme to comply with policy GS4(1.a.).
- 8.24. Officers note that several comments have observed that approving this application would inevitably lead to other dwellings along Cross Lane attempting same thing, utilising the extensive back gardens that are characteristic of properties to the south of the road. Officers are comfortable that other dwellings along Cross Lane would not necessarily benefit from the same opportunity. Taken purely as an example, a similar scheme in 6's back garden, which is wide and very long, *would* appear as an outlier dwelling with no determinable relationship to the built form within the village. It would not be viewable alongside development within Field Way some distance to the west, nor Cross Lane to the north, or any other built form to the east. As such, and crucially notwithstanding the fact that weight in decision making **cannot** be afforded to the setting of precedents, for

the benefit of the concerned third parties, Officers consider the risk of eroding the character of the settlement through establishing a precedent to be very low.

#### The amenities of neighbouring properties

##### *The 'host' dwelling*

- 8.25. No. 2 Cross Lane, also known as Pettifer's Barn, will retain a significant amount of associated land. In addition to an acceptably proportioned private rear garden to the immediate south of the property, it will retain a dedicated parking area, the garage and accommodation above, with balcony, and an area of grass land to the south of that. For the size of dwelling, this is considered to be more than enough to ensure the residence remains sustainable and suitable for a family with children.
- 8.26. Using the red line as a reasonably strong indicator as to how the land might be divided up, assuming permission is granted, the principal façade of the proposed dwelling is in excess of 35m from the southern edge of the lawn left to the south of the garage and its first-floor accommodation. The façade of the proposed dwelling is a further 35m, if not more, from the private amenity space to the south of 2 Cross Lane – the enclosed garden which is of a more typical size – and as such there is no risk of overlooking, overshadowing or, indeed, the proposed dwelling having any impact on the amenities of the host property, Pettifer's Barn.

##### *1 Field Way – the bungalow to the north-west*

- 8.27. On their initial visit to the site, Officers visited the bungalow to the north-west, and took photographs from within the garden area. At the time, the bungalow had a low drystone wall around it, making its garden appear quite open and exposed from vantage points within the site (particularly as levels within the site drop down to the south).
- 8.28. Officers, taking photos from the neighbour's garden facing out, noted that the scheme that was proposed at that time included a substantial garage with accommodation above that sat right on the southern boundary of 1 Field Way's garden. Furthermore, the dwelling's orientation and proximity to the boundary was such that views from the first-floor windows on the principal façade would be reasonably direct and afford occupiers of the new dwelling easy, unobstructed views directly into the bungalow's external amenity space. Both of these issues were felt to cause significant harm.
- 8.29. Officers negotiated with the agents and secured design revisions that are considered to address and mitigate the amenity issues identified previously. The revisions involved a slight reorientation of the dwelling such that it was more north-facing, making views from the first-floor windows much less direct, and mainly over the property's own driveway. The dwelling was also pushed slightly further back within the plot, meaning a distance of approximately 10m is now achieved between the dwelling and its north-facing openings and the boundary to 1 Field Way. By pushing the dwelling further back, it has also been set down a little further, lowering the height of its openings relative to the neighbouring property. Finally, the garage was moved to the other side of the dwelling (to the east) and made single storey in height.
- 8.30. It is inescapable that the dwelling will result in a change to the current situation enjoyed by 1 Field Way. The outlook from the property and garden will change from a paddock and open countryside, to a dwellinghouse. There is no right to a view in planning terms, and as long as the neighbouring dwelling retains access to direct sunlight and suitable ambient light – which it will do with east and south-facing elevations that are over 25m from the proposed dwelling and off-set from its north-facing facade – the scheme will not unduly harm the outlook or amenities of occupiers of 1 Field Way.

#### *4 Cross Lane – house to north-east*

- 8.31. In June, following receipt of the revised scheme, Officers visited 4 Cross Lane to ascertain the impact on the amenities of this dwelling. This visit was prompted by the dwelling's reorientation and the siting of a single storey garage along the boundary between the site and this neighbour.
- 8.32. Officers are comfortable that no harmful inter-visibility will be attainable between the dwelling's windows and those in the proposed dwelling. Notwithstanding the indirect nature of the views between the two – the two buildings will not sit directly opposite each other – the distance is nearly 50m, approaching 3x the recommended distance of 18m as set out in Chapter 4.7 of the Design Guide.
- 8.33. Similarly, the distance between first-floor openings and any private, higher value outdoor amenity space is also well in excess of what would be considered acceptable. Private, higher value amenity space is *often* (but not exclusively) the area immediately to the rear of the property. 4 Cross Lane has recently constructed substantial decking outside of a new rear extension and it is evident that this is intended to be where occupiers sit and relax. There are goal posts and miscellaneous garden furniture elsewhere in the garden, but even at the closest point between the boundary of 4 Cross Lane and the first floor north-facing openings of the new dwelling, there will be very limited overlooking opportunities (the distance remains in excess of 20m).
- 8.34. The physical structure of the new dwelling – specifically the garage – will flank the boundary between the two properties pretty closely, even directly in places. However, this single storey element has a low eaves line, and does not serve to enclose or overbear upon any amenity space within 4 Cross Lane's garden any more than existing boundary vegetation. The part of garden affected is a significant distance from the house. It is also possible that the bottom of 4 Cross Lane's garden will be affected by some overshadowing towards the end of a sunny day, given the dwelling's location to the south-west. However, as this will not impact any internal amenity areas, in line with the Design Guide (Paragraph 4.92), this alone does not justify a refusal of planning permission.

#### *2 Field Way – dwelling to west*

- 8.35. This dwelling will not be impacted in any way by the proposal in terms of amenity. A future section of the report will look into the impact of the development on the business element that is established at these premises.

#### *Amenity conclusion*

- 8.36. The proposal does not result in adverse impacts to the amenities of any immediately adjacent dwellings, or the 'host' dwelling 2 Cross Lane. Consequently, it complies with policy GS4(1.b.).

#### Suitable parking (to include access arrangements)

- 8.37. A significant number of concerns and objections revolve around the access arrangements between the site and Cross Lane. It is questioned whether sufficient parking is provided within the site for both the host dwelling and the new dwelling, and the safety of the existing access, once used by two properties, has been raised.
- 8.38. The Local Highway Authority has been consulted and referred to drawings that show the width of the shared driveway being increased to 4.8m for its first 10m, achieved by removing a modest section of stone wall at the front of the site and removing some minor

low level planting within the site. These plans also show an appropriate 43m visibility splay being achieved in both directions. The LHA has confirmed satisfaction with the vehicular visibility and access dimensions, and has not raised an objection in respect of the inadequate pedestrian visibility.

- 8.39. Within the site, it is considered to be very clear that the new dwelling will benefit from adequate parking for at least three, if not more, vehicles. This includes undercover parking within a double garage. There is sufficient turning space to ensure all vehicles leave the site in a forward gear. Access to the site along the western boundary of the plot is considered to be acceptable, although a pinch point has been noted alongside the existing store connected to the garage to the south of 2 Cross Lane. Officers have been informed that the applicant would be open to having this removed to ensure access to the dwelling is unhindered. A condition will be imposed to secure this prior to the commencement of the dwelling (so it does not hinder construction traffic).
- 8.40. The submitted plans (backed up by a visit to the site) show that the host dwelling 2 Cross Lane will also retain ample parking to the immediate south of its rear garden and north of its garage building. At least three vehicles could park here, and importantly, it will be possible for these vehicles to join Cross Lane in a safer manner than they do at present; for example, in a forward gear. It should be noted that the present arrangement involves two vehicles parking in tandem fashion within the existing driveway, meaning that both have to reverse out onto Cross Lane even if only one of the cars (i.e. the one furthest into the site) wants to leave.
- 8.41. It could be argued then, in parking terms, the proposal results in an improvement over the current situation, particularly in respect of the arrangement for 2 Cross Lane.
- 8.42. The alterations to the access onto Cross Lane are considered to be minor, and will not unduly betray or emphasise the fact that a second dwelling has been constructed to the rear of 2 Cross Lane. Even with the removal of a small amount of stone wall, Officers consider the existing rhythm of buildings and driveways will remain observed; the scheme will have very limited impact on the existing appearance of the street, or frontage presented to Cross Lane in this location. There is no conflict, therefore, with the guidance in the Design Guide (Chapter 4.6).
- 8.43. Consequently, Officers find that the proposed access and parking arrangements comply with policy GS4(1.c.) of the Local Plan Part 2.

### *Conclusion*

- 8.44. The above detailed appraisal intends to show how the proposed development, on this particular occasion, complies with the necessary requirements of not just policy LH1, but also policy GS4 too, which seeks to resist backland development only if certain criteria cannot be met. The appraisal above shows that, this time, the criteria can be met, and it can be done so without undermining or conflicting with the advice in the Council's Design Guide.
- 8.45. As such, the development is not unacceptable in principle, and represents a sustainable development within the settlement confines of one of the district's larger fourth category 'Small' villages. It should therefore be supported in line with the golden thread of the NPPF.

### The visual impact of the development

- 8.46. A detailed appraisal of the impact of developing this parcel of land has been provided in the paragraphs above (8.16 – 8.24).

- 8.47. The dwelling itself will consist of two forward-projecting gables with steep roof pitches, and a modest entrance porch canopy. The façade will be finished in local limestone. The dwelling will have a modest chimney, a suitably narrow span, and a single projecting gable at the rear. The roof will be covered in slate, although on the south-facing roof elevation there will be solar panels. The rear elevation will be viewable from a public footpath, and will also be finished in stone, although it will also be highly glazed with simple, lightly framed openings that fill the recessed projecting gable and are full height on the rear façade of the dwelling. The subservient garage wing will project from the side and head north from the dwelling, creating an L-shaped footprint and semi-enclosed courtyard to the front.
- 8.48. Overall, the dwelling will be finished in a mixture of traditional materials, incorporating contemporary glazing elements which will stand out as 'obviously different' features, complementing its otherwise traditional palette.
- 8.49. While its principal façade may not be quite in line with the Council's traditional flat-fronted cottage vernacular, given the variety of buildings in the vicinity, including a bungalow (1 Field Way), a traditional farmhouse (2 Field Way) and modern two-storey dwellings (4 Cross Lane), a building that nods in terms of materiality towards the vernacular while incorporating more modern fenestration is not felt to be inappropriate or unacceptable in this location.
- 8.50. The design approach adopted, therefore, is felt to be acceptable, subject to standard conditions controlling materials, architectural detailing, landscaping, meter boxes, refuse collection and other *minutiae* that is essential to get right to secure a coherent, high-quality development.

#### The impact of the development on the setting of the listed building

##### *Legislative and policy context*

- 8.51. The site lies to the east of 2 Field Way, a Grade II listed building.
- 8.52. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.53. Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*. Policy BN5 of the JCS 2014 echoes this guidance.
- 8.54. Policies HE1 and HE5 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.

##### *Assessment*



- 8.55. In a detailed response, a consultant for Aitchison Raffety asserts that the Senior Conservation Officer *'has objected to the proposal'*. Officers do not agree with this assertion. The word 'object' does not appear anywhere in the SCO's response, and neither does the SCO conclude that harm is caused, or that such harm is 'less than substantial'.
- 8.56. Officers note that the SCO confirms that the location of the dwelling, relative to 2 Field Way, does not *'diminish the edge of village setting of the listed building'*. They go on to submit that the contrasting treatment of the southern elevations of both dwellings, with 2 Field Way presenting traditional fenestration and the proposed dwelling presenting higher levels of glazing, is not considered *'complimentary'*.
- 8.57. The glazing on the rear elevation of the proposed dwelling is intended to be 'obviously different', a deviation from the more traditional form and appearance of the dwelling and its fenestration found on its northern elevation. Contemporary glazing, if executed well, can emphasise architectural features in a beneficial way. In this instance, the rear-projecting gable will be fully glazed, with the glazing inset, emphasising the traditional steeply pitched form of the gable.
- 8.58. Photos submitted by third parties, reinforced by what has been observed by Officers on visits to the site, suggest that side-by-side inter-visibility between both rear elevations will be difficult to achieve. There are locations from public footpaths near the site where only one of the two will be a focal point, and the other will be glimpsed behind buildings or established boundary landscaping.
- 8.59. As a result, Officers conclude that any harm caused through the use of non-traditional fenestration on the rear façade of the new dwelling would be on the lower end of less than substantial, and outweighed by modest public benefits being derived from the (short term) economic benefits secured through the construction of a dwelling and the securing of biodiversity net gain (through planning conditions) as requested by the Ecology Officer.
- 8.60. Consequently, while noting the view of the SCO, Officers consider that the use of contemporary fenestration alone on the rear elevation of the new dwelling should not form a reason to withhold permission.

#### Ecology Impact

#### *Legislative context*

- 8.61. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.62. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### *Policy Context*

- 8.63. 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.
- 8.64. 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.
- 8.65. 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.
- 8.66. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.67. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

## *Assessment*

- 8.68. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard there are a number of mature trees and hedgerows within and adjacent the site and the site is within an amber zone for Great Crested Newts, and therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 8.69. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.70. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.71. The application is supported by a detailed protected species survey which makes suggestions for mitigation.
- 8.72. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

### The impact on residential amenity (neighbours)

- 8.73. This has been thoroughly appraised already in paragraphs 8.25 – 8.36 of this report. Officers are satisfied that, having visited 1 Field Way and 4 Cross Lane, there will be no adverse impact on the amenities of either neighbour.

### The impact on adjacent commercial uses

- 8.74. A significant point of concern raised by the adjacent premises as well as the Council's Environmental Protection Officer (EPO) is the potential for the new dwelling to be impacted adversely by noises emitted by apparatus and the general operation of a fruit and vegetable wholesale enterprise which is established at 2 Field Way.
- 8.75. The business established here has never seemingly been granted formal permission (i.e. through 'change of use', although permission was granted in 1988 (S/1988/0471/P) for a lean-to 'store' to the existing brick outbuilding, which is used as a refrigerator unit for the business. Conditions attached to this permission prevented the building being used by anyone other than the applicant at the time (listed on the permission as 'Mr A. W. Duncombe') and it prohibited the external storage of goods and materials in the interests of controlling the existing business use and safeguarding visual amenity.
- 8.76. The building now in situ is a little different in appearance to what was granted permission, as the store granted permission was enclosed at the front, whereas the building on site

is open-fronted. Nonetheless, this historic permission and the conditions imposed strongly suggest that the business was established by 1988, 34 years ago.

- 8.77. The risk of permitting a new dwelling in much closer proximity to the existing business operation than the current dwelling of 2 Cross Lane is that, if ongoing business operations were to result in harmful noise levels or other forms of disturbance, the occupiers of the *new* dwelling could have amenities disrupted to a point which prompts a complaint to the Council's Environmental Protection team. A possible outcome of this is that restrictions are placed upon the business that adversely impact its ability to function.
- 8.78. When considering the siting of new noise-sensitive development in locations that might be vulnerable to adverse noise impacts, it is necessary to afford weight to the 'Agent of Change' principle. This places responsibility for mitigating impacts from existing noise sources on the person(s) or party responsible for the change. In this case, the LPA is being asked to consider whether planning permission should be granted for a new dwelling in a location that is close to an existing business which, by its own admission, generates noise.
- 8.79. To manage the impact of the change, the LPA has requested from the applicant noise surveys. The initial survey was reviewed, and the EPO noted that suitable internal noise levels were likely to be achievable through relatively standard mitigation. As such, a standard planning condition could be used to secure this. However, they felt that the noise survey undertaken was insufficient in allowing the Council to be certain that acceptable external noise levels (for the external amenity spaces) would be achievable.
- 8.80. To address this, the applicants undertook a further survey, over a weekend, which is arguably when external amenity spaces are most likely to be in use by a typical family. The adjacent business owner has also advised that operations take place over weekend periods, at anti-social times.
- 8.81. The survey submitted following this has been received and reviewed by the EPO. The EPO has advised that the additional noise report '*demonstrates that the external noise levels can be achieved at the site*'. They note 27 incidences of noise that breached the standard (55 decibels) on the Saturday covered by the survey, described as '*a neighbour cutting his hedges*', and not attributed to the commercial business adjacent. This is covered by Paragraph 34 of the noise report:

*'The majority of periods measured above the upper limit of 55dB were recorded in the afternoon of the 24th of September 2022 between 14:00 – 16:45 hours. Following discussions with the client and listening to the exceedance audio, all exceedances on the 24th were attributed to a neighbour using a petrol hedge trimmer within their garden. Generally, most other exceedances were caused by birdsong and noise in the trees in close proximity to the microphone. These noise sources are considered normal for local environment and are not attributable to the neighbouring commercial site.'*

- 8.82. It is noted that the EPO considers this worthy of mention. Officers consider it perfectly reasonable for hedge trimming to be taking place within the vicinity of the site at this time of day, particularly given the length of the gardens of dwellings along Cross Lane, and noting that the gardens are generally bounded by hedgerows. Furthermore, in the absence of any evidence to the contrary, and given the EPO is otherwise satisfied with the methodology, contents and findings of the report, Officers are satisfied that this anomalous reading should not cause concern.

- 8.83. A standard condition has been recommended by the EPO, which serves the purpose of ensuring all necessary mitigation is agreed and 'designed in' to the scheme such that noise from the adjacent business does not impact the amenities of those moving into the new dwelling. The wording of the condition is provided below:

*'Prior to the commencement of the residential unit a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.'*

*Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.'*

- 8.84. Subject to this condition being imposed, Officers are satisfied that the Council has given appropriate consideration to the 'Agent of Change' principle, and, through requiring the submission of further technical information and the subsequent imposition of planning conditions, ensured that the amenities of future occupiers of the dwelling have been safeguarded as well as the future operations of the adjacent fruit and vegetable wholesalers.

#### Highway safety

- 8.85. This has already been appraised thoroughly in paragraphs 8.37 – 8.43. Officers are satisfied that, in the absence of an objection from the Local Highway Authority, and on the basis of submitted plans and having visited the site, there will be no detrimental impact on highway safety as a result of the development.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. CIL has been calculated to be £76,445.76 before any self-build exemptions are applied. A self-build exemption has been sought in this instance, thus reducing the liability to £0.

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

- 10.1. The scheme seeks permission for a single dwelling within the settlement confines of one of the Council's larger 'Small' villages. Unlike other fourth category settlements, such as Adstone, Helmdon is not completely without facilities or services. As such, the principle of delivering a single dwelling within a reasonably sustainable location is generally supported by policy, and ultimately provides a limited if not positive contribution towards bolstering the Council's Housing Land Supply.
- 10.2. Having said that, Officers note that the tandem backland nature of the development proposed has been a source of controversy. It is reasonable to state that the Council's presumption on such development is negative, given the wording of policy and the contents of the Design Guide. That said, the policy and Design Guide are clear in establishing what the usual issues tend to be with such development. It is therefore also reasonable to state that, if all issues are addressed or aren't found to apply, then a tandem backland development cannot be regarded as inherently unacceptable in principle just for that reason alone.

- 10.3. Officers have considered each requirement in turn, looking at the impact of a tandem backland development on the grain and pattern of built form of not just the immediate surrounding, but the wider settlement. The village consists of many off shoots, backland style cul-de-sacs and other collections of dwellings arranged in atypical fashion, and in particular to the west of the site lies established built form which a new dwelling would relate well to visually. The proposed dwelling wouldn't be the most southerly building in this part of the village, either.
- 10.4. In terms of amenity, each of the neighbouring sites were given careful consideration, with 1 Field Way and 4 Cross Lane visited in person, and photographs taken. Amendments were sought to directly address concerns in respect of impact on 1 Field Way, and these have made the development acceptable and compliant with the relevant guidelines within Chapter 4.7 of the Design Guide. There will be no impact on the 'host' property, which is in excess of 70m from the dwelling proposed by this application.
- 10.5. The on-site parking facilities for both dwellings is sufficient for three vehicles off the road, and unlike the present situation, all vehicles should be able to exit the site in a forward gear. The minor alterations to the frontage – removing a small stone wall – will not unduly impact the appearance or pattern of the street scene.
- 10.6. The proximity of the new dwelling to the adjacent business has been given careful consideration, and it has been found that (following the submission of two surveys, both reviewed by the Council's Environmental Protection Officer), noise levels for both internal and external amenity spaces can be achieved, subject to mitigation, which can be conditioned.
- 10.7. In an exercise of planning balance, therefore, the only notable harm identified arises from the use of more contemporary fenestration on the south-facing elevation of the property which, when compared directly to the adjacent listed building with its much more traditionally fenestrated rear elevation, is clearly at odds. However, in this instance, and in the absence of any firm conclusion or outright statement of objection from the Senior Conservation Officer, such harm is considered to be on the lower end of less than substantial, and outweighed by the modest and temporary economic benefits realised during the dwelling's construction, as well as biodiversity net gain which can be secured via planning condition.
- 10.8. Consequently, Officers see no reason to withhold permission, as the scheme, if delivered to a high-quality and in compliance with the imposed conditions, represents sustainable development within the settlement confines of the village.

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

### **11.1. RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### CONDITIONS

##### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the mitigation, recommendation and enhancements in section 6 of the Preliminary Ecological Appraisal, by Philip Irving, dated June 2022 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

### **CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES**

4. If the development hereby approved does not commence by 28th June 2024, a revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species including great crested newts, badgers, bats and breeding birds. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a reasonable avoidance measures strategy for great crested newts, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation measure shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the

development as it is fundamental to the acceptability of the scheme.

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- I. fieldwork in accordance with the agreed written scheme of investigation;
- II. post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- III. completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

7. With the exception of the demolition of the store attached to the garage belonging to 2 Cross Lane, no development shall take place until a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. Before any above ground works commence a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the dwelling hereby approved.

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy SS2 of the South Northamptonshire Local Plan Policy BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

9. A method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab



level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. With the exception of the demolition of the store attached to the garage belonging to 2 Cross Lane, no development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings and public right of way (PROW) have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason : In order to safeguard the visual amenities of the area and amenities of neighbouring properties in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. With the exception of the demolition of the store attached to the garage of 2 Cross Lane, no other work shall take place until a Construction Method Statement covering the construction of the new dwellinghouse and changes to the access between the site and Cross Lane has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. The external walls of the dwelling shall be constructed in natural limestone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by

the Local Planning Authority before any stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

13. Samples of slates (including ridge tiles) to be used in the covering of the roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

14. Details of the construction, including cross sections, cill, lintel, reveal and colour / finish of all proposed windows, to a scale of not less than 1:5, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason : To preserve the character and appearance of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

15. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled,
- c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

16. The meter box(es) shall be sited on either side elevation of the dwelling unless, prior

to the construction of the dwelling above slab level, alternative details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved alternative details

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan

17. Full details of the enclosures along all boundaries of the site and within the site (including all retaining walls, their construction details including capping, materials with samples) shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason : To ensure the satisfactory appearance of the completed development, to safeguard the setting and appearance of the conservation area and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

#### CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

18. Prior to the occupation of the dwelling details of all refuse storage facilities and details of the refuse collection point at Cross Lane shall be submitted to and approved in writing by the Local Planning Authority. The storage/collection facilities shall thereafter be provided in accordance with the alternative details before the building to which they relate is first occupied.

Reason: In order that proper arrangements are made for the storage and disposal of waste in the interests of well-planned development and in accordance with Policy SS2 of the Local Plan Part 2.

19. The dwelling hereby permitted shall not be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.

Reason: To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan Part 2, and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

#### CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or on the completion of the development, whichever is the sooner, or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan.

21. In the event that contamination to land and/or water is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No development shall continue until a risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

22. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement, alteration or improvement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason : Taking into account the sensitivity of the site and its relationship to neighbouring properties, it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that visual and neighbour amenity is conserved and to accord with Policy SS2 of the Local Plan Part 2 and Section 12 of the National Planning Policy Framework.

23. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other

means of enclosure shall be erected, constructed or placed anywhere within the curtilage of the dwellinghouse and garage, without the prior express planning permission of the Local Planning Authority.

Reason : In order to prevent the site being subdivided in a manner discordant to the relatively open character and appearance of the site and the wider area, in accordance with Policy SS2 of the South Northamptonshire Local Plan.