

Application Number: WNS/2022/0919/MAO

Location: Land North of Town End Farm, Townend Close and West of Brackley Road, Croughton

Proposal: Outline planning application for up to 46 dwellings and associated works at Land west of Brackley Road, Croughton. All matters are reserved for subsequent approval except for access.

Applicant: GR No.7 Ltd

Agent: Cerda Planning Limited

Case Officer: Tom Ansell

Ward: Middleton Cheney

Reason for Referral: Major application contrary to the Development Plan

Committee Date: 8th December 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks outline permission, with all matters reserved except for access, for up to 48 dwellings on a plot of land to the west of Brackley Road Croughton. The scheme will deliver 50% affordable housing in line with the relevant policies in the Development Plans, securing 23 units.

Consultations

The following consultees have raised **objections** to or **have concerns** in respect of the application:

- Planning Policy, Croughton Parish Council, Lead Local Flood Risk Authority, Local Highway Authority

The following consultees have raised **no objections (conditionally or otherwise)** or offer **no comments** to the application:

- Anglian Water, Environment Agency, Environmental Protection, The Ramblers Association, Clinical Commissioning Group, Conservation, Economic Growth & Regeneration (Developer Contributions), Planning Archaeology, Ecology Officer, Strategic Housing

Through two consultation processes (the second of which hasn't yet ended) a significant number of responses have been received (in excess of 100). Of these, almost 25% are in support of the scheme (or at least the principle of the scheme, if not the technical matters it raises), and the remainder are objecting to the scheme in every respect.

The majority of concerns revolve around highway infrastructure.

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
- Landscape and visual impacts
- Affordable Housing
- Residential amenity
- Archaeology
- Ecology impact
- The impact of the development on highway safety
- Flood risk and drainage
- Local Infrastructure and S106 obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable in principle and, by virtue of its awkward relationship with the village and encroachment into open countryside, results in visual harm to the appearance, character and setting of the settlement of Croughton.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is a parcel of agricultural land, presently subdivided into two fields by a timber-posted wire fence, approximately 3ha in size. It lies to the west of Brackley Road and to the immediate north and north-west of dwellings in Townend Close. The southern edge of the red line partly adjoins the rear gardens of dwellings that address High Street, to the south.
- 1.2 The field is subdivided into two by a fence, although both sides appear to have remained in agricultural use. The land slopes gradually up to the north, with both fields essentially grassy pasture. To the west of the site boundary is a rectangular parcel of land that, at the time of Officer's visiting in July 2022, had horses grazing on it. To the west of this rectangular parcel are the rear elevations of dwellings addressing Wheeler's Rise. To the north of the site is open countryside, as it is on the eastern side of Brackley Road.
- 1.3 The site is green, open and devoid of built form. It is typical of the settlement, particularly the part that lies to the north of the B4031, inasmuch that the field represents a relatively sudden cessation of higher density residential development. Its quiet, peaceful rural appearance contributes positively to the appearance and character of the settlement, particularly from vantage points along the public footpath that runs through the middle at present time.

2. CONSTRAINTS

- 2.1. The application site is within open countryside and has a public footpath (AF/005) running through it which will require diverting. The settlement confines, while adjoining the red line on its southern edge, otherwise have a very tenuous connection to the developable area of the site.
- 2.2. The site has potential for archaeological assets to be present, and could contain protected species (reports have been submitted for the latter). The site is served by a (presently) substandard road (Brackley Road).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development seeks permission with all matters reserved except for access for up to 46 dwellings. An indicative site plan shows one way these might be arranged, in three development parcels, served by a primary road with some smaller secondary drives projecting off these.
- 3.2. The applicant has confirmed they will be providing policy compliant affordable housing (50% - 23 units) and, following initial concerns raised by the Local Highway Authority, a significant schedule of works to upgrade and improve Brackley Road, specifically in terms of pedestrian footways, between the site's junction and the High Street to the south.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.
- 4.2. The applicant refers to an appeal decision affecting a site in Greens Norton, wherein the Inspector dismissed a market-led housing proposal in the open countryside while arriving at a conclusion on the Council's Housing Land Supply (HLS). The appeal decision/reference number for this is APP/Z2830/W/21/3267906.
- 4.3. Officers note an appeal decision for comparable residential development (55 units) in a comparable settlement (Hartwell), which was dismissed in June 2021. The appeal decision/reference number for this is APP/Z2830/W/20/3256072.
- 4.4. Pre-application advice was sought under reference P/WNS/2021/0071/PRS (for 59 dwellings), wherein the Council summarised its position:

'I regret to inform you that I will not be able to support the proposal in its current form because of the following deficiencies/issues:

- *The development conflicts with policies H3 and R1 of the Joint Core Strategy and policies LH1(2), LH2 to LH7 of the Local Plan Part 2 and is unacceptable in principle. These plans are considered up to date, and the Council has a housing supply in excess of 6 years at the time of writing. There are no material considerations that outweigh the harm caused by this conflict in principle.*
- *The development would have an adverse impact on the appearance and character of the rural landscape north of Croughton by virtue of its poor relationship with the existing built form within the village and its encroachment into open countryside (particularly the extent of its western projection).*

I do not recommend any further investment is made in pursuing this site for residential development.'

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 15th 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
- S3 – Scale and Distribution of Housing Development
- S6 – Monitoring and Review
- S10 – Sustainable Development Principles
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- BN7a – Water Supply, Quality and Wastewater Infrastructure
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- R1 – Spatial Strategy for the Rural Areas

Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Development Hierarchy
- SS2 – General Development Principles
- LH1 – Development within town and village confines
- LH8 – Affordable Housing
- LH10 – Housing Mix and Type
- SDP2 – Health Facilities and Well Being
- INF1 – Infrastructure Delivery and Funding
- INF4 – Electric Vehicle Charging Points
- GS1 – Open Space, Sport and Recreation
- HE1 – Significance of Heritage Assets
- HE2 – Scheduled Ancient Monuments and Archaeology
- NE2 – Special Landscape Area
- NE4 – Trees Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity
- NE6 – SSS1s and Protected Species

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 Document: Parking Standards and Design
- Developer Contributions
- SNC Design Guide
- Fire Year Housing Land Supply Report 2022

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Some consultees, particularly the Parish, have provided significant responses covering many pages, citing many reasons. The below table very briefly summarises these responses, trying to pick out the key issues that are being raised. Therefore, it is strongly recommended that the full responses are viewed on the Council's website, via the online Planning Register, following the consideration of the summarisations below.

Consultee Name	Comment
Lead Local Flood Authority	<p><i>'We would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.'</i></p> <p>The LLFA cite three deficiencies in the information supplied:</p> <ul style="list-style-type: none"> • <i>'We require an explanation how the over land flows be captured/intercepted and diverted to ensure sufficient capacity within proposed attenuation features.'</i> • <i>'We require you to demonstrate through a plan how the levels within the site will ensure flows from the site are adequately captured and conveyed to the proposed drainage system.'</i> • <i>'...the Drainage Strategy Report in paragraph 3.9.3 and 3.9.5, referring to a wrong appendix (Appendix G) for a conceptual drainage plan. In the report the conceptual drainage plan is provided in Appendix F.'</i> <p>At the time of writing, the LLFA has been consulted on information that has been submitted to address these concerns. Any response from the LLFA that arrives following publication of the committee report will be included in the committee updates.</p>
Ecology Officer	<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 and mitigation identified in section 6 of the Ecological Appraisal, by Aspect Ecology, dated 14th April 2022, are followed fully and successfully.'</i></p> <p><i>I recommend the inclusion of [planning] conditions if this development is granted permission.'</i></p>
Local Highway Authority	<p><i>'It is not permitted for a 5.5m estate road to take access from a substandard road; the applicant will be required to upgrade Brackley Road to a 5.5m carriageway with a 2.0m footpath to enable this'</i></p>

	<p><i>application to be considered. These upgraded standards must extend from the proposed application site to the High Street/Park End Junction; the applicant will need to obtain the highway extents from the LHA records team to see whether this widening of the carriageway and new footpath with associated drainage is achievable.</i></p> <p><i>The 30mph speed limit must be extended passed the proposed site access therefore the applicant must discuss this matter with the Northamptonshire Speed review panel to investigate if in their opinion this is acceptable. Beyond the site access, the road may then taper back to its existing width; the applicant must note that the above will require a RSA to be carried out at the 278 application stage.'</i></p> <p>On 29th Nov, the LHA responded to revised information intended to overcome the concerns raised above.</p> <p><i>'Drawing No 6651 refers to the highway extent plans; these should be provided as there are potential points of encroachment (outside no. 9 particularly) All this vegetation will need to be removed to construct the new footway.</i></p> <ul style="list-style-type: none"> • <i>The visibility at the new crossing point does not look to be acceptable around the bend, this may need moving eastwards to gain better visibility (please detail this on a scaled drawing).</i> • <i>Forward visibility around the bend should be shown both before and after the road widening scheme; it may not meet the current standards but it should then demonstrate an improvement which can be reviewed.</i> • <i>The footpath within the site should also be 2.0m in width and is currently detailed at 1.5m.'</i>
WNC Strategic Housing	<p>The Strategic Housing team has offered no objections although has provided some information on what would be expected upon receipt of a reserved matters application.</p>
Croughton Parish Council	<p>Summary of concerns</p> <ul style="list-style-type: none"> • Principle of development – the application is outside settlement confines and contrary to policy. The Policy team advises there is a housing supply. The Parish Council has identified opportunities for limited growth to provide vitality to existing facilities (half the size of what's proposed, as of 2014). The PC would prefer to see this growth secured through the Local Plan process presently underway. • Open space should be secured using a parameters plan and a Section 106, requiring transference to the PC along with respective commuted sums for maintenance etc. • Highways – <i>'Highway safety issues relating to this proposal are of such magnitude that access should not be approved without the certainty that an adequate scheme can be secured and agreed with the Local Highways Authority beforehand. This should form part of any Section 106 Planning Agreement ahead of any decision being issued.'</i> • Transport – <i>'The applicant's Design and Access Statement along with its Transport Assessment woefully exaggerates the nature and provision of sustainable transport and other infrastructure in the village. Despite identifying bus stops, it does not note that a public bus service is not available in the village.'</i>

	<p>Other points are raised in respect of providing sufficient parking spaces, EV charging points, securing further mitigation for traffic calming/speed control etc, reduction in speed limit on Brackley Road to 20mph, investment in existing Parish infrastructure, surface water drainage, and upkeep of assets like the village hall, old allotment pocket park, allotments, playing field, cemetery and play area.</p>
WNC Environmental Protection	<p>Recommended the following conditions:</p> <ul style="list-style-type: none"> • Noise Impact Assessment – achieving internal and external levels which are appropriate (pre-occupation) • Noise Assessment – from any pumping stations, substations and/or any external plant proposed within the site. • Construction management plan (pre-commencement) • EV charging points • Air and water heating/cooling systems to be installed • Contaminated land (walkover/intrusive/remediation/verification) – pre-commencement / pre-occupation)
Development Management NNC – contributions	<p><i>Requested contributions relating to...</i></p> <ul style="list-style-type: none"> • <i>Early Years' Service (assuming lack of capacity)</i> • <i>Primary Education</i> • <i>Libraries</i> <p>It should be noted that the housing mix could easily change between any outline receiving approval and a reserved matters application being received. Therefore, only the multipliers should be referred to in any subsequent S106 agreement.</p>
Archaeology	<p><i>'The proposed development site has the potential to contain sub-surface archaeological remains. This potential is supported by a number of Portable Antiquities Scheme (PAS) findspots to the east of the site and three buried parallel ditches and an enclosure of unknown date to the north of the site.</i></p> <p><i>I recommend that a phased programme of archaeological measures is undertaken on the site in advance of the groundworks phase of the development.</i></p> <p><i>The proposed development may have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure this please attach a suitable condition for a programme of archaeological work as recommended above and in line with NPPF paragraph 205 to any permission granted in respect of this application.'</i></p>
The Ramblers Association	<p><i>'The site is crossed by a public right of way a footpath ref.no AF5 which runs from the SW corner of the site and runs to cross Brackley Road a short distance north of the existing development and the proposed new access road as indicated on the illustrative plan of the proposed new housing. The same plan shows what is presumed to be a footpath more or less on the same route as the public right of way. If the proposed</i></p>

	<p><i>development were to be favourably considered, then there be conditions protecting the existing RoW and ensuring that the route is maintained as indicated running through open space.'</i></p>
Conservation	<p><i>'The site lies to the north of Croughton Conservation Area, proposals should seek to sustain and enhance the significance, which includes its setting. The conservation area is concentrated on the historic linear form of the settlement where vernacular building front the road. Modern development surrounds much of the designated area particularly to the north and east, this now provides the setting of the area and has partially detached the historic part of the village with its agricultural setting. By virtue of the intervening topography, vegetation and modern development the proposed development would not be considered to harm the setting of the area.</i></p> <p><i>Within the conservation area there are a number of listed buildings, these buildings all have a setting of their own. That said the buildings are located within the historic part of the village where their settings are generally limited to the immediate environs and their shared contribution to the historic streetscene. By virtue of the intervening topography, vegetation and modern development the proposed development would not be considered to harm the setting of the listed buildings.'</i></p>
Planning Policy	<p><i>'If these current proposals are to receive support as part of this planning application, it will need to be demonstrated that there are material considerations sufficient, in accordance with Paragraph 38(6), to overcome any conflict with the Development Plan.</i></p> <p><i>Whilst the decision on the recent conjoined Section 78 appeals at Middleton Cheney (References APP/Z2830/W/20/3261483 & APP/Z2830/W/20/3259839) approved housing beyond confines but adjacent to that Primary Service Village, it is also noted that in their conclusions, the Inspector gave appreciable weight to the provision of market housing based on a 5.14 year housing supply. The Council is now in a position where it is able to demonstrate a healthy 6.32 year housing land supply and as such these proposals cannot be considered on a similar basis and will need to be considered accordingly.'</i></p>
Clinical Commissioning Group	<p><i>'The CCG can confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed new housing development of 46 dwellings, Land North of Town End Farm Townend Close and West of Brackley Road Croughton, Northamptonshire. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore the CCG and NHSE & I are seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services.'</i></p>
Environment Agency	<p>No comments to make.</p>
Anglian Water	<p>Advises the Council that the works fall outside of its statutory sewage boundary, and provide no comments.</p> <p>It should be noted that it appears the Parish Council queried this directly with Anglian Water as per the following paragraph from the Parish Council's comments:</p> <p><i>'The Parish has been in touch with Anglian Water which confirms that its current response is incorrect in as much the development does sit within its area. Anglian Water has committed to reissuing its response ASAP</i></p>

	<p><i>providing commentary on its existing foul drainage infrastructure.'</i></p> <p>No further response has been received from Anglian Water. However, it is likely that, in line with the information submitted to satisfy the requirements of the LLFA, conditions relating to all drainage matters will be recommended and/or imposed in the event the application received approval.</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 this report.

7.1. There have been close to a hundred response to the application, with the majority being received to the original plans, and a smaller number being received in response to the revised highway/access/road improvement plans and information submitted by the applicant in early November. Officers are unable to replicate every single comment, but can provide the bullet-pointed list below outlining the key concerns raised by respondents to the consultation process:

- The site is outside the settlement confines
- There are no public transport services to Croughton
- The village is not suitable or capable of accommodating a significant increase in traffic
- The impact on ecology (deer, foxes, badgers)
- The impact on highway safety/requirement for more traffic calming measures etc, and an enforced 20mph speed limit
- The increase in traffic through the village would be harmful
- The inadequacy of Brackley Road in general
- Insufficient surface water drainage – water floods down Brackley Road during heavy rain fall
- The impact on infrastructure during construction phases, particularly due to the frequency of HGV movements
- The field is part of the village’s rural setting and is an asset to the surroundings in its current form
- Concerns over the efficiency/carbon footprint and design/appearance of the houses (Officer’s comment; *these matters would be covered by the reserved matters submission*)
- The village does not require 50% affordable homes as there is not a huge demand in the area
- Concerns about the procedural aspects of how the planning application was publicised (Officer’s comment; *the Council sent letters to all neighbours bordering the red line site plan, and a site notice was erected near the site in a public place. Officers cannot comment on posts made on LinkedIn or other social media platforms by parties disassociated with the Council*)

7.2. A response has been submitted by Framptons on behalf of a local resident. The two reasons for objection are provided below:

- There is no material consideration of substance to outweigh the conflict with the development plan
- In respect of transportation matters, the applicant has not demonstrated that ‘safe and suitable access’ can be achieved for all users

- 7.3. DTA Transport Planning Consultants have provided an appraisal of the submitted Transport Statement. This appraisal concludes that there are shortcomings in the original statement which fail to demonstrate that the development provides safe and suitable access for all, and there is a lack of evidence demonstrating that the proposed highway works are deliverable and safe. Contrary to Paragraphs 110 and 111 of the NPPF respectively.
- 7.4. The Council published and reconsulted on new highway drawings in early November. Most of the responses to this have been negative, citing continued flaws with the layout/crossing proposed in an inappropriate location on Brackley Road near High Street, and ineffective drainage measures/increased flood risk remaining an issue. Residents on Brackley Road have cited concern at having land that is potentially in their ownership (or which has been maintained by them for many years) taken away in order to provide a footpath and widen the highway.
- 7.5. Croughton Parish Council submitted new comments following a meeting held to discuss the revised drawings. The Parish Council's position is that the highway issues are not addressed by the proposed junction improvements, there remain on-going flooding issues on the High Street, and the footpath as proposed is unsafe and fails to secure safe continuous passage from the site to Brackley Road, for those wishing to turn right. The Parish Council note that suggestions of financial contributions to support and enhance traffic calming measures have not been taken forward. It also noted a recent flooding event and advised that Thames Water were looking at this further, and that the LLFA were aware too.
- 7.6. There has been one letter of support, and a further comment advising that, while the principle of housing is supported, the highway improvement scheme remains insufficient.
- 7.7. The comments offering support to the scheme cite the benefits of the provision of housing in light of the national shortage, including affordable housing. The village's many facilities are highlighted – primary school, shop, café, car repair garage, public house, a village hall, allotments, church, playing fields, small industrial estate, cemetery and small parks – and it is submitted that the only way to ensure these facilities are not lost is to encourage population growth. It is stated that, despite the Parish Council's agreement in 2014 that development should be secured via 'infill', only an additional house (not including 'Townend Close') has been provided. It is pointed out that the school's vitality is presently only due to students arriving there from Brackley; if more younger families lived in the village then the school could provide local children places and reduce on-street parking pressures at the same time. Comparisons are drawn to Portway, the last significant development to the village.

8. APPRAISAL

Principle of Development

- 8.1. The adopted Development Plan for South Northamptonshire comprises the West Northamptonshire Joint Core Strategy (LPP1) and the Local Plan Part 2 (LPP2).
- 8.2. LPP1 – this Plan was adopted in December 2014. Spatial Objectives 1, 3, 11 and 12 are amongst those that provide direction to the policies of the LPP1. These seek to provide a range of housing in sustainable locations; to reduce the need to travel and promote sustainable travel modes; to ensure all residents have access to a home that they can afford and that meets their needs; and state that housing development will be focused at the most sustainable location of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. Limited development will take place in the

rural areas to provide for local needs and to support local services. Alongside this is the objective to protect and support rural communities to ensure they thrive and remain vital. The LPP1 policies most important for determining the acceptability in principle of development are policies SA, S1, S3, S10 and R1.

- 8.3. LPP2 – this plan was adopted in July 2020 and replaces Saved Policies from the 1997 Local Plan. LPP2 establishes a new settlement hierarchy and settlement confines for the District as well as a range of general development management policies used to determine proposals. Policy SS1 establishes that Croughton is a Secondary Service Village (B), which are settlements that are likely to have a more limited range of services but still provide scope to meet some local needs for housing, employment and service provision. The most important policies in LPP2 for determining the acceptability in principle of development are Policies SS1 and LH1.
- 8.4. Housing Land Supply – a Housing Land Availability Study South Northants Area from May 2022 demonstrates that there is a supply of **6.9 years** of deliverable housing sites, and this supersedes the April 2021 study which found there was a supply of 6.32 years of deliverable sites.

Assessment

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

of settlement boundaries. New development should be within the settlement boundary unless otherwise indicated in the Plan. In this instance the site is not otherwise allocated for housing in the Plan and the development would not fall within any of the exception criteria such as; First Homes/discounted market housing; entry level and single plot exception sites; self and custom built homes; specialist housing; residential and nursing care.

Material considerations

- 8.10. The Development Plan is considered up to date and therefore full weight can be applied to it. However, Officers consider it prudent to look at material considerations that could influence the Council's position on this submission.
- 8.11. It is noted that policy compliant affordable housing provision has been provided (and could be secured via a legal agreement if the Council were mindful to approve). Strategic Housing has acknowledged a need for affordable housing units and have no objections in principle. The scheme would deliver 23 affordable units, going some way to meeting the demonstrable demand. Significant positive weight is afforded to this.
- 8.12. Furthermore, the settlement of Croughton is a 'Secondary Service Village (B)' (SSVB) as established by policy SS1 of the Part 2 Local Plan. A settlement of this designation is recognised as having '*more limited*' range of services and facilities; however, it is acknowledged that Croughton in particular does benefit from a more generous range of services when compared to SSVBs of similar size. A list of services and facilities is provided by one of the respondents to the application: a primary school, a shop, a café, a car repair garage, a public house, a village hall, allotments, a church, playing fields, a small industrial estate, a cemetery and small parks. This means that the settlement is capable of providing new residents with services, facilities, education and employment without them having to travel away from the settlement. Moderate positive weight is afforded to this.
- 8.13. However, it is noted by Officers that an application for up to 55 dwellings outside of the settlement confines of Hartwell (a comparably sized SSVB) was dismissed at appeal in June 2021 (reference APP/Z2830/W/20/3256072). Hartwell benefits from a pre-school, a primary school, a shop/post office, a large rehabilitation centre/clinic, a community centre, a church, playing fields, a cemetery, pocket parks and a small employment zone/industrial estate. Hartwell also appears to benefit from a timetabled bus service. As a settlement, it scores *more* on in the Hierarchy Matrix than Croughton.
- 8.14. Another material consideration is a recent appeal decision at a Secondary Service Village (A), Greens Norton (April 2022). This appeal decision was a dismissal but the Inspector's conclusions on the Council's housing supply position were not clear, and could be read to suggest it is deficient (i.e., less than 5 years).
- 8.15. These material considerations must be considered in the round and weighed against the harm caused by the Development Plan conflict to establish whether there is any justification for the Council to take an exceptional approach to the principle of development on this particular occasion.

Hierarchy Matrix & Comparisons to Hartwell

- 8.16. Firstly, Officers consider it prudent to consider the sustainability 'scores' as established by the Settlement Hierarchy (SH). This is one part of the settlement comparison that the report will now engage in. The SH and its associated documents form part of the evidence base for the LPP2, adopted in July 2020.

- 8.17. Croughton scores **43** points on the published SH (the one on the Council's website: <https://www.southnorthants.gov.uk/download/downloads/id/1790/settlement-hierarchy-matrix.pdf>). Hartwell's score is, by comparison, **54**.
- 8.18. However, there is a background paper dated January 2018 also on the Council's website, (<https://www.southnorthants.gov.uk/download/downloads/id/5677/lp2evgen-1-settlement-hierarchy-topic-paper-jan-2019.pdf>), which changes the Matrix, omitting three possible '2' scores ('Wildlife site', 'Adult learning facility' and 'Permanent library'), and a '5' score 'Bus to urban area'. The paper advises that the proximity of some settlements to Banbury Station will now be factored into revised scores, and it appears that the 'Distance to urban area' scores are revised upwards for those settlements close to Banbury and other large towns (i.e. Northampton).
- 8.19. The changes to the Matrix have no impact on Croughton; it remains at **43**. However, the changes cause Hartwell to lose three points, down to **51**.
- 8.20. Even with the revisions in the January 2018 document, Croughton appears (numerically at least) to be less sustainable than Hartwell by a notable margin. However, Officers note that the Matrix score for 'Broadband' is 0, whereas local respondents have confirmed that superfast broadband is available within the village. Adding '5' to Croughton's score, in acknowledgement of this, moves it to within three points of Hartwell, to **48**.
- 8.21. Clearly, the question of whether any settlement is more or less suited to absorbing substantial new residential development, particularly on its edge, outside of the settlement confines, is more nuanced than simply referring to figures within the Matrix. It is therefore significant that the application in Hartwell was refused by the Council, and this decision was upheld at appeal. One of the 'Main Issues' noted by the Inspector was 'accessibility to services'. Therefore, it is important to consider what the exact reasons were for the Hartwell appeal's failure, to see if these carry over to Croughton or not.
- 8.22. The site in Hartwell was located on the western side of the settlement, 'infilling' a gap between a rehabilitation centre and a collection of buildings, including a dwelling. It was approximately 450m from the post office on the main road through the village, and a further 250m from the primary school (700m in total). Two bus stops (one on each side of the road) are shown as being located very close to the site.
- 8.23. The Inspector covered the sustainability aspect of the proposal in five main paragraphs. They note that, despite having services such as a shop/post office, a public house and a primary school, *'it would still be necessary to commute further afield for other day to day needs such as shopping, employment, secondary schools, or higher education'* (Paragraph 14). They go on to note the bus service available to Hartwell. On this, they considered the service to be of *'limited frequency'* with *'restricted destination points'* (Paragraph 15) relative to more densely populated higher order settlements within the district. The Inspector was not persuaded that the level of service would *'offer a realistic alternative to the flexibility of daily car use by potential future occupants of the development'* (Paragraph 15).
- 8.24. The proximity of Hartwell to the Primary Service Village of Roade, nor the employment opportunities of Grange Park, did not alleviate the Inspector's concerns. The lack of pedestrian footways and adequate lighting both counted against the settlement, which, when combined with the distances to larger towns and settlements, were considered *'likely to make options to walk and cycle undesirable to potential occupiers of the proposed development'* (Paragraph 18).
- 8.25. By concluding that the scheme, by virtue of being outside of the settlement confines, conflicted with saved policies in the LPP1 and LPP2, it is submitted that the Inspector

essentially found the site to be unsustainably located in respect of its association with a 'Category B' village (Secondary Service Village B – SSVB).

- 8.26. Turning now to Croughton, the site is arguably a little closer in terms of walking distance to the village core, where there is a primary school and some services/facilities. 300m or so would take occupiers of the site, using the footpath AF/005, across the northern side of the school and to Wheeler's Rise.
- 8.27. As it stands presently, Brackley Road has no footpath and would be an inadvisable way for occupiers to reach the High Street. The intended works to Brackley Road to provide it with a footway have been viewed by the LHA, and concerns have been raised. However, assuming a viable solution can be identified, if occupiers of the development used Brackley Road, the High Street is 250m away.
- 8.28. Beyond this, however, it is difficult to see how the Inspector's appraisal of Hartwell does not also apply significantly to Croughton. The point in Paragraph 14 about occupiers needing to commute further afield to meet day to day needs such as shopping and employment, secondary schools and higher education is, in fact, fully applicable to Croughton, which has a comparable level of services to Hartwell in this regard. Critically, according to a number of local residents and the Parish Council, Croughton has no timetabled bus service at all. While it appears that, as recently as 2016, there was a regular bus to Banbury that passed through the village (the number 499), there are no longer even limited services available to any nearby higher order settlements (Banbury/Brackley)
- 8.29. Furthermore, the roads heading east and west from Croughton (the B4031) are not lit and are not served by a footpath. To the north of the site, Brackley Road is arguably a single track, with no footpaths or lighting. The point made by the Inspector in Paragraph 18 about there being no opportunities for walking or cycling to nearby employment or educational facilities in higher order settlements close to Hartwell, is actually fully transferable to Croughton.
- 8.30. Interestingly, it is pertinent to note that, despite both settlements benefiting from modestly sized industrial estates, neither score points for having employment opportunities. On this point, the document 'Settlement Hierarchy in South Northamptonshire' (<https://www.southnorthants.gov.uk/download/downloads/id/2851/south-northamptonshire-settlement-hierarchy.pdf>) provides some clarity on what criteria needs to be met for a settlement to score in respect of its 'Local employment' provision. It advises that '*scoring of this indicator is based upon whether employment premises exist with [sic] 2km of a settlement and includes 11 or more business units*'.
- 8.31. The employment opportunities within both settlements are there; they both have reasonably sized industrial/commercial areas that contain a number of small businesses. Some limited employment opportunities therefore *do* exist. However, the point taken from the Inspector's appraisal is that the dependence on other higher order settlements to provide employment is going to be much higher due to the limited scope of existing facilities, and this, combined with poor public transport provision (or none in the case of Croughton) and the fact that highway infrastructure in the vicinity is hostile to cycling and walking, outweigh the limited benefits of the employment available within the settlement.
- 8.32. Fundamentally, Croughton and Hartwell are found to be comparable SSVBs in terms of service and facility provision, and while Croughton is geographically closer to higher order settlements (i.e. Brackley), the absence of any timetabled bus service and the inadequacy of surrounding highway infrastructure in respect of accommodating pedestrians or cyclists prevent this from being viewed as a significant advantage.

Greens Norton appeal decision – housing supply

- 8.33. On page 15 of the Planning Statement, the planning agents refer to an appeal decision relating to a site in a village called Greens Norton (APP/Z2830/W/21/3267906). This appeal decision was issued in April 2022 and was dismissed against a resolution to refuse permission for up to 69 dwellings outside the settlement confines of Greens Norton, a third category Secondary Service Village (A). This settlement scores significantly higher than either Croughton or Hartwell on the Matrix (69).
- 8.34. The planning agent refers to a paragraph within this decision wherein it is claimed that the Inspector concluded the Council's housing land supply position was *'between no less than 2.31 years and no more than 3.11 years under the administrative area approach'* (Paragraph 42). It is submitted by the agents that, on the back of this evidence, the Council cannot demonstrate a 5-year HLS as required by Paragraph 73 of the NPPF. Therefore, the agents argue that the delivery of housing is to be attributed significant weight in the planning balance, triggering the presumption in favour of sustainable development.
- 8.35. The Council wholly disagrees with this interpretation of the Greens Norton appeal outcome, and particularly with the view that the administrative area approach is the correct one to take.
- 8.36. Firstly, the Council has recently (i.e. post Unitary) successfully defended appeals wherein there were challenges made to its housing land supply and method of calculation.
- In the case of APP/Z2830/W/21/3269904 (Land east of Lower Road, Milton Malsor, decided 21st September 2021), the Inspector did not afford weight to, or even seemingly consider, whether the housing supply as calculated using an administrative area approach should be factored into the decision-making process. They concluded that the south area of West Northamptonshire Council had a supply of 5.65yrs.
 - In the case of APP/Z2830/W/21/3270614 (Land off Northampton Road, Blisworth, dated 23rd November 2021), the Inspector acknowledged that the application was determined by South Northants Council, and that West Northamptonshire Council became operational from 1st April 2021. The Inspector advised, in paragraph 3, that *'...The former Council adopted the Part 2 Local Plan (LPP2) in 2020. This sets out a series of development management policies but does not include housing allocations. Policy references in this decision are from this adopted plan as well as the joint core strategy.'* This Inspector concluded that the south area had a supply of 5.5yrs.
- 8.37. In the decision for the Blisworth appeal, the Inspector touched upon the appropriateness of the 'administrative area approach'.
- 8.38. At paragraph 12, the Inspector notes; *'The parties disagree on whether the proposed growth identified for the sites within the WNJCS should be included in the District's housing requirements. The appellant considers that as Policy S3 of the WNJCS identifies that the scale and distribution of housing includes sites within the SUEs (3,850 new dwellings) within the former district, then the overall requirement is a total of 11,020 dwellings.'*
- 8.39. Paragraph 20: *'In suggesting that administrative areas should be the basis for measuring housing requirements, the appellant does not fully address the Council's case that as a matter of locally determined policy the plan led area is the basis of its adopted strategy.'*

This approach is consistent with the plan led system requiring co-operation between planning authorities. It provides the basis on which the new authority can complete its detailed review of housing requirement.'

- 8.40. Paragraph 24: *'Whilst there will always be a tension between the measurement of supply against a 'plan area' in contrast to 'administrative areas' the Council's spatial strategy is predicated on the former and is consistent with the WNJCS. This is also consistent with Paragraph 22 of the recently adopted Framework.'*
- 8.41. Notwithstanding the above, the Council's interpretation of the Greens Norton appeal is that the Inspector does not conclude which approach is the right one to take (i.e., administrative area approach or local area approach). Instead, the figures for the administrative area are provided (as given by the Council at the time and the appellant), and the Inspector advises that *'even if I were to conclude there is a shortfall in the 5 year HLS on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'* [emphasis added].
- 8.42. This is very revealing; there is no definite conclusion, and the Inspector appears to simply be making the point that even in the very worst-case scenario, the absence of a 5-year HLS would not counterbalance the adverse impacts the development would cause.
- 8.43. Consequently, the Council's position is that the Development Plan is up to date and should be afforded full weight. The tilted balance should not be engaged. Furthermore, the Council has performed a Five-Year Housing Land Supply Assessment for April 2022. This concludes that the supply of housing is **6.9 years**. This has been calculated in a way which has been consistently supported by previous Inspectors (both pre and post Unitary), and on a local area approach rather than an administrative area approach (again, consistent with the conclusions of an Inspector).
- 8.44. Consequently, the conclusions reached by the Inspector in respect of the Council's HLS position in the Greens Norton appeal are afforded very little weight.

Greens Norton appeal decision – other matters

- 8.45. Looking at other aspects of the Greens Norton decision compared to both Croughton and Hartwell, of particular interest is the heavy focus on the adverse impact of permitting development that would result in future residents *'relying on the private motor car to access regular requirements such as education, shops and employment'*. This statement (paragraph 19) was made in respect of the absence of suitable walking and cycling routes to higher order settlements, and in this regard,
- 8.46. Both Hartwell and Croughton are lower status settlements than Greens Norton. The relatively poor transport and highway infrastructure surrounding both has been documented earlier in this report. Notwithstanding this, despite its higher status, and its proximity to Towcester (a Rural Service Centre), the Inspector noted that access to larger shops – supermarkets – and larger scale places of employment, however, remained poorly located relative to Greens Norton, with limited walking and cycling opportunities
- 8.47. As such, the findings of the Inspector in the Greens Norton appeal in respect of sustainability factors such as access to higher level facilities and services, employment etc, are afforded moderate weight against the proposed scheme, which is arguably in an even worse position being a lower order settlement and further from its nearest Rural Service Centre.

Conclusion

- 8.48. The Council can demonstrate a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply. The proposed development does not comply with policy R1 of the LPP1 or policies SS1 and LH1 of LPP2 and is therefore considered to be unacceptable in principle unless there are material considerations that outweigh these policies. The material considerations applicable to this scheme have been identified and appraised above.
- 8.49. A detailed summary and final conclusion will be provided in the Planning Balance and Conclusion section.
- 8.50. However, after attributing weight to various material considerations, the Council concludes that significant harm arises through conflict with the Development Plan, and the proposal before the Council today is directly comparable to a scheme that was refused and then dismissed at appeal in Hartwell, which is also a SSVB. Therefore, the scheme represents unsustainable development in an open countryside location, and should be strongly resisted.

Landscape and visual impacts

Legislative and policy context

- 8.51. Looking at policies that affect general visual impacts on the existing landscape, LPP1 Policy R1 requires development to not affect open land which is of particular significance to the form and character of the village; to preserve and enhance areas of historic or environmental importance including those identified in Village Design Statements and to be of an appropriate scale to the settlement. Policy S1 (criteria D) requires development in the rural areas to be limited, with the emphasis on respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities.
- 8.52. Policy SS2 of LPP2 requires development to maintain the individual identity of villages and to not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement and to integrate with its surroundings and the character of the area.

Assessment

- 8.53. Officers visited the site in July 2022 and walked the public footpath that runs through the site east/west (AF/005). From here, it was noted that the site contributes positively to the appearance and character of the settlement, by presenting an abrupt cessation of the more densely populated urban area of the village located along High Street, to a tranquil, undeveloped and green landscape which continues northwards.
- 8.54. The site lies on Croughton's northern edge, bordering parts of Townend Close. Other than a limited part of its south-eastern border, where there will likely be one or two plots located within closer proximity to Townend Close, for the most part, the majority of the built form as shown on the indicative layout plan will very likely be visually disassociated from the existing development within the village. For plots on the western side of the site, there will be quite a significant visual separation from established built form within the settlement confines.
- 8.55. This is because the majority of the built form and operational development within the site has no physical or relatable relationship with the settlement confines, which is located some distance to the south, around the northern edges of gardens of dwellings that address High Street.

- 8.56. Consequently, the development not only represents the complete loss of a tranquil, green undeveloped paddock representative of the agrarian landscape that abruptly surrounds the settlement, particularly on its northern side, but it also represents an illogical and incongruous encroachment of residential built form into open countryside which has a poor relationship to the existing built form within the village.
- 8.57. Officers disagree with the LVIA's conclusion that the setting of the site when viewed from the footpath within is mainly affected by the backdrop of Townend Close and Wheeler's Rise to the south and west respectively.
- 8.58. Certainly, views of residential development are easily attainable within the site looking south. Rear gardens in Townend Close back onto the site, and as such there are southward views in particular from within the site whereby modern residential built form is somewhat dominating.
- 8.59. However, further west into the site, 360 views will more predominantly reveal openness, green and tranquil pastureland to the west, north and north-east, with views south towards High Street softened by significant mature trees. Wheeler's Rise is sufficiently distant to the west that the openness of the site and the paddock to the north of the school both afford the site a distinctly rural, agrarian character which is distinctive to the edges of Croughton, particularly on its northern side.
- 8.60. Officers are of the view that development within this site, and particularly which encroaches so far west beyond existing established built limits of the village, will fail to cohesively and comfortably lie within the landscape. Instead, such development will sit incongruously, visually and physically disconnected from established development to the west and, for the most part, to the south too. With open fields to the north and east and mainly to the west, the development will appear to 'float' disjointedly in an area characterised by its tranquil agrarian qualities and will have no clear relationship to the existing built form within the village.

Conclusion

- 8.61. The scheme will change the character of the site and its immediate context. Officers are of the view that these impacts will ultimately be to the detriment of the immediate and wider character and context of the site, and setting of the settlement as primarily viewed and enjoyed from the footpath AF/005. Such impacts will be felt over the longer term, resulting in harm. In this context, such harm or impacts could be described as 'Moderate', which is considered to be significant in the decision-making process, particularly noting the westward encroachment of built form into undeveloped open countryside with no relatable or physical connection to the settlement confines or existing built limits of the village.
- 8.62. The site, and particularly the built form within the scheme, results in an incongruous, intrusive and disconnected collection of dwellings in an open-countryside location, causing harm to the appearance, character and setting of the settlement, and disrupting the tranquillity of the agrarian landscape in this location.
- 8.63. As such, it conflicts with policies R1 and S1 of the LPP1 and SS2(1.a and 1.b.) of the LPP2, and should be refused for landscape and visual impact reasons as well as its conflict in principle.

Affordable Housing

Policy Context

- 8.64. The Council's affordable housing requirements as set out in the JCS 2014 amount to 3,300 homes between 2011-2029; or 183 units per annum excluding the NRDA.
- 8.65. Policy H2 of the JCS 2014 establishes the requirements for the on-site delivery of affordable housing. In the rural areas of South Northamptonshire 50% affordable housing is required to be delivered. This requirement is repeated in Policy LH8 of the Part 2 LP.
- 8.66. Policy LH10 of the Part 2 LP sets accessibility standards.

Assessment

- 8.67. The applicant proposes 50% of the proposed dwellings to be delivered on site as affordable housing in accordance with the development plan, amounting to circa 23 units.
- 8.68. Since 2011 the Council has delivered fewer affordable homes throughout the district than the SHMA and JCS 2014 require. Overall, this amounts to 621 fewer homes. It is however important to view the shortfall in context and acknowledge that the difference between target delivery and actual delivery may not necessarily reflect the current need for affordable housing.
- 8.69. Croughton's housing requirements hasn't been appraised by the Strategic Housing team. Without referring to figures, it is evident that there is support within the village for new market and affordable housing, with national shortages and a desire to live locally both cited as reasons for offering such support.
- 8.70. Officers note two (connected) appeal decisions which went against the Council in April 2021. The decisions made by the Inspector resulting in two housing developments (totalling around 74 units) being approved outside of the settlement confines. The appeal references are APP/2830/W/20/3261483 (Waters Lane) and APP/2830/W/20/3259839 (Thenford Road).
- 8.71. In this appeal decision the Inspector was heavily influenced by the delivery of affordable housing in what they regarded as being a very sustainable location. The Inspector summarised their position like this:

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

- 8.72. Officers do not have any figures before them to demonstrate whether the under provision of affordable housing has been measurably addressed since the preparation of the Middleton Cheney appeal hearing and decision. Given the relatively short period of time that has elapsed between the two, it is highly unlikely that the shortfall has been significantly addressed. Consequently, it might be argued that this scheme would also address an immediate need and as such similar importance should be given to securing the delivery of 50% affordable houses as part of the proposed scheme.
- 8.73. While Officers agree that affordable housing provision should be afforded significant positive weight, it is questioned whether this alone represents a reason to take an exceptional approach to determining this application.

- 8.74. This mainly arises from the relative unsustainability of the proposals in Croughton compared to those proposed in Middleton Cheney (MC). MC is a Primary Service Village (PSV) and the Inspector found it to benefit from a number of services and facilities that caused them to regard it as being a particularly sustainable settlement to which to direct new development (and secure new affordable units).
- 8.75. Croughton as a settlement is two 'rungs' below MC in terms of settlement status. It is a Secondary Service Village (B) (SSVB), and is notably lacking in certain services and facilities (notably, a secondary school, a regular timetabled bus service etc). As concluded earlier, Croughton's relatively limited services and facilities are more likely to require occupiers to rely on private car to travel further afield, to higher education and employment opportunities etc.
- 8.76. As such, while securing 23 affordable units would help the Council address a very likely remaining shortfall of such stock, the harm arising from directing a significant number of new units to what is an unsustainable location effectively cancels this out as a benefit. It should be noted that the Hartwell appeal site, directly comparable to this Croughton site, also proposed a 50% affordable housing contribution, and was dismissed despite this.

Conclusion

- 8.77. Having regard to the above, the proposed development will undoubtedly make positive steps towards meeting both a district-wide need and a locally identified affordable housing need/demand and the proposals (50% affordable) comply with the relevant development plan policies in this respect. On this basis the council's Strategic Housing Team has offered '**No objection**' to the scheme. The provision of affordable housing is therefore given significant positive weight.
- 8.78. However, the conflict with the Development Plan and the visual and landscape impact harm caused as identified earlier in this report are not considered to be outweighed by the benefits of securing 23 affordable units on this site. As such, even with the significant weight in favour by virtue of the affordable units, the Council cannot support the scheme.

Residential amenity

- 8.79. The exact layout, design and appearance of the dwellings (including where openings will be positioned) will be determined at a later date. Nonetheless, it is prudent for Officers to consider whether providing any form of development within the development block areas as established by the parameters plan is likely to result in harm to the amenities of those neighbouring the site.
- 8.80. Officers do note the proximity of gardens in Townend Close to the site's south-eastern edge. However, sufficient distance can be maintained from the rears of any new dwellings to the boundary such that no overlooking or privacy harm arises. This increases for properties to the west that have larger rear gardens, and which have a green buffer between them and the developable area of the site. There is no risk of harm here.
- 8.81. Within the site, any reserved matters application seeking approval of design and layout will be fully controllable such that amenity issues between proposed dwellings within the site could be easily resolved prior to approval of those detailed plans.
- 8.82. The only point of concern noted by the Environmental Protection officer concerns noise from any pumping stations or other plant equipment required on site in relation to the Sustainable Urban Drainage System. A LAP is also noted indicatively to the north of properties on Brackley Road. The exact locations and operational requirements of these

facilities will be known at reserved matters stage, and therefore any noise conditions would best be imposed at this point in time.

- 8.83. Consequently, Officers do not consider the site or indicative scheme before the Council to represent any risk of harm or threat to existing residential amenity levels experienced by residents in Townend Close or any dwelling to the south.

Archaeology

- 8.84. The application is supported by a desk-based assessment which, in the executive summary, concludes the following:

'Based on the available archaeological data for the site and the surrounding area and Google Earth and LiDAR imagery, the site is considered to have an unknown potential for significant Roman remains and a low/negligible potential for significant (i.e. non-agricultural) remains for of all other periods.'

- 8.85. The Archaeological Advisor concludes that a phased programme of archaeological measures will be sufficient in avoiding detrimental effect upon surviving sub-surface archaeological remains. Such a programme would be secured via planning condition very easily in the event the Council were mindful to grant planning permission.

Ecology Impact

Legislative context

- 8.86. 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.

- 8.87. 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

- 8.88. 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.

- 8.89. 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.
- 8.90. 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.
- 8.91. 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.
- 8.92. 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

- 8.93. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is felt to have potential due to it being an undeveloped field/pasture in the open countryside, surrounded by mature trees and hedgerows.
- 8.94. 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.

- 8.95. 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.
- 8.96. The application is supported by a detailed protected species survey which has been reviewed by the Council's Ecology Officer, who has subsequently recommended a range of conditions which work with the survey to mitigate the impact on protected species.
- 8.97. Subject to conditions as set out by both the Ecology Officer, Officers are satisfied 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. 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 of the development on highway safety

- 8.98. Policy C2 of LPP1 requires development to mitigate its impacts on highway safety. Policy SS2 of LPP2 requires development to include a safe and suitable means of access for all people including pedestrians, cyclists and those using vehicles.
- 8.99. The NPPF also requires provision of a safe and suitable access for all users. Para 111 however makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 8.100. The Local Highway Authority originally submitted comments that presented a relatively fundamental issue to the scheme proposed:

'It is not permitted for a 5.5m estate road to take access from a substandard road; the applicant will be required to upgrade Brackley Road to a 5.5m carriageway with a 2.0m footpath to enable this application to be considered. These upgraded standards must extend from the proposed application site to the High Street/Park End Junction; the applicant will need to obtain the highway extents from the LHA records team to see whether this widening of the carriageway and new footpath with associated drainage is achievable.

- 8.101. Having visited the site it would appear, at least on the ground, that the upgrades requested are unachievable. Brackley Road down to High Street would be an entirely unsustainable means of providing access from the site to the main village, and while it is likely the speed limit could be relocated and the access with Brackley Road itself made suitable with appropriate visibility splays, the intensification of use of an entirely unsuitable road which is virtually single track in places would be entirely unacceptable in highway safety terms.
- 8.102. In recognition of this, the agents have worked with their relative consultants and the LHA directly (it is advised) to overcome this concern. This has resulted in the submission of a scheme showing both the creation of an access onto Brackley Road as well as a road widening scheme which extends all the way down Brackley Road to a location near the junction with High Street.
- 8.103. This revised drawing shows a 5.5m wide carriageway between High Street and the site's entrance, with a 2m wide footpath alongside it (on the western side) all the way

around to a crossing that will be within 15m of the junction between Brackley Road and High Street, connecting the existing footway on High Street / Park End.

8.104. It is argued by the accompanying technical note (which contains further drawings) that all of the land required to carry out these works is adopted by the LHA/WNC. As such, the works can be secured via Grampian conditions and/or (given the fact that such works are fundamental to the acceptability of the scheme from a highway safety perspective) through a legal agreement, which might require such works to be completed prior to any works commencing on site if it is considered to go to the very heart of the permission.

8.105. The LHA has provided a response to the new information:

- *Drawing No 6651 refers to the highway extent plans; these should be provided as there are potential points of encroachment (outside no. 9 particularly) All this vegetation will need to be removed to construct the new footway.*
- *The visibility at the new crossing point does not look to be acceptable around the bend, this may need moving eastwards to gain better visibility (please detail this on a scaled drawing).*
- *Forward visibility around the bend should be shown both before and after the road widening scheme; it may not meet the current standards, but it should then demonstrate an improvement which can be reviewed.*
- *The footpath within the site should also be 2.0m in width and is currently detailed at 1.5m.*

8.106. The first bullet point is quite fundamental. If there are concerns that the widening of the footpath as shown uses land not in either the applicant's or the LHA's ownership, then this raises questions over whether the improvements as proposed can be achieved. The Council can only use Grampian conditions to control land in the applicant's ownership or that controlled by the Highway Authority. Conditions cannot be used to control land in private ownership.

8.107. Officers also pick up on the point made by the LHA in respect of the vegetation that will require removal in order to carry out the highway improvements. Perhaps, irrespective of whether the technical ownership and visibility points can be eventually met through further amendments, a more relevant point to consider is whether the visual impacts on the appearance and character of Brackley Road would be acceptable.

8.108. As pointed out by the LHA, the widening of the road will result in the removal of a substantial stretch of grass verge, and will also involve intensive works to existing frontages on the western side of Brackley Road. Officers noted on a site visit that existing mature vegetation presently flanks the Brackley Road directly up to the highway edge. A lot of this would have to be lost to facilitate the new footpath and widened road, significantly 'hardening' the frontages of the properties and resulting in the street scene becoming much more starkly engineered.

8.109. The overall effect will be the urbanisation of a significant stretch of village highway which is, at present, recognisably a lower status track with a more rural and less urban feel that heads quickly out of the village towards Hinton in the Hedges and Brackley. Such works are, in Officer's view, detrimental to the character and appearance of the street scene.

- 8.110. Countering this, there are clearly significant benefits to providing *existing* dwellings with safe pedestrian access from Brackley Road to High Street and/or north to the footpath that heads west to the rear of the school (a route only really usable in good weather). However, such improvements could be realised by simply providing a narrower service strip, requiring less removal of vegetation and less significant engineering works to this lower status track. While such works wouldn't necessarily be viewed by the LHA as up to adoptable standards, Officers must afford weight to the inadequacy of the 'starting point'. Any sort of dedicated footpath – even if this is not 2m wide, but 1m wide – would be an improvement in highway safety terms, and strike a better balance between this and visual impact.
- 8.111. The works as proposed are, however, more substantial precisely because they are necessary to provide access to a proposed development of 46 *further* dwellings. This development, for reasons already discussed, is not considered to be sustainable, and the fact that they would require such significant, visually harmful works to Brackley Road is further evidence that the site, in this case, is not in a suitable location for new housing.
- 8.112. Therefore, even if the highway improvement works can be tweaked to address the remaining concerns held by the LHA, Officers are concerned that the scope of such works will result in significant visual harm to the appearance and character of the settlement, in addition to what is already considered to be caused by the development itself.
- 8.113. In any event, the scheme before the Council at time of writing fails to address the LHA's initial concerns. It remains unclear whether a safe and suitable means of access can be provided to the site along Brackley Road, and as such the Council must refuse permission on this basis, as well.
- 8.114. However, following the refusal being issued, should it be subsequently confirmed by the Local Highway Authority that its concerns have been addressed by the subsequent submission of revised information, then authority should be delegated to the Assistant Director for Growth, Climate & Regeneration to omit the highway safety reason (reason three) for refusal from the decision notice, or not pursue this reason for refusal in the event an appeal against the decision is made. It should be noted by the applicant that the LPA's concerns over the *visual impact* would remain even if the LHA removed its objections.

Flood risk and drainage

- 8.115. The site is wholly within a Flood Zone 1, which carries the lowest risk of flooding. No parts of the site are within any areas at risk of surface water drainage issues, although this problem has been raised by the Parish Council and numerous third parties.
- 8.116. Anglian Water have offered no comments in respect of foul water drainage and surface water drainage, not claiming to be the relevant local authority (although it appears that they are, and the Parish have contacted them to advise them of this). No further comments have been received from Anglian Water, however.
- 8.117. As the site proposes more than 10 dwellings, and is therefore a 'major' development, the application is accompanied by a Flood Risk Assessment which makes a number of recommendations (Section 7.2). Drainage strategies were submitted in late September, and these reviewed by the Lead Local Flood Authority (LLFA). The LLFA requested further information, which has been provided, and as of yet there has been no response from the LLFA.

- 8.118. Officers will await further response from the LLFA, and include details of any conditions requested as part of a future updates document. In the event that the response remains absent and the committee wish to approve the application, it will be possible to do this by recommending the application is delegated to Officer level for approval, subject to all LLFA-related concerns and objections being overcome. It would also be possible to add requirement for there to be no objections from other relevant consultations (i.e. the local water authority).
- 8.119. On that basis, it is considered that flood risk and drainage could be mitigable through the use of planning conditions that will be recommended by the LLFA upon consideration of the revised information submitted by the agents. In the event the committee wished to approve, the recommendation could require there to be positive responses from this consultee (and others) before any approval is granted, or the application be refused on the grounds of flood risk/drainage issues.

Local Infrastructure and S106 obligations

Policy context

- 8.120. Policy INF1 both within the JCS and the LPP2 require new development to be supported by appropriate infrastructure.
- 8.121. In this case there are improvements and enhancements to infrastructure, services and facilities required as a result of this development. These contributions are listed below.

Healthcare provision

- 8.122. The Clinical Commissioning Group (CCG) has requested **£23,386.61** to assist in the expansion of primary health care capacity to meet the demand for the proposed development.

Refuse and recycling

- 8.123. The development generates a need for additional wheelie bins to be provided by the Local Authority, which also must ensure there is a waste collection service. In order to do this, a contribution of **£70 per dwelling** is sought.

On site amenity space

- 8.124. The site is able to deliver notably more amenity green space and natural/semi-natural green space than is required by policy and so there is no need for an off-site commuted sum to be calculated. The provision of the open space could be tied into any legal agreement subsequently prepared and agreed between the authority and the applicant.

Off-site playing fields

- 8.125. The type of development proposed will generate a need for additional playing fields and equipment associated with those fields. The site is not capable of providing this, and as such the Council would typically seek payment of a financial contribution towards provision and maintenance of off-site playing fields in the locality of circa **£924.70** per dwelling.

Children's play and provision for young people

8.126. The development will generate the need for an additional 0.01ha of children’s play areas and space for young people. A Local Area of Play appears to be provided on site, as there is sufficient space to do this, and the requirement could be conditionally tied to the permission or, more appropriately, presented as a clause within a subsequent legal agreement.

Allotments

8.127. The development generates a need to provide or enhance existing allotment facilities within the locality. The total requirement generated by the development is 0.03ha, and would attract a contribution of **£3,045.18**, with £1,877.70 going towards provision and £1,167.48 going towards maintenance. In the event that it is deemed impractical or unreasonable to request this moneys, an allotments contribution could be omitted from any subsequent legal agreement.

Library contributions

8.128. A contribution would be required towards the improvement, enhancement or expansion of library facilities within Croughton or, more likely, the locality that will serve the development. Contributions will be calculated on a ‘per dwelling’ basis, when the housing mix is known, in accordance with this table:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per unit	£109	£176	£239	£270

Education – early years services

8.129. The Economic Growth Regeneration Team (EGRT) has not provided a total figure for early years services, as the ‘sufficiency of capacity’ evidence base is currently being updated, and it is not possible to determine the current capacity and likely impact of this development on the demand. The EGRT have provided the multipliers, however, that would apply in the event a contribution was required:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£3,724	£3,972	£4,220

8.130. Further consultation with the EGRT would therefore form an integral part of the completion of a subsequent S106 agreement if the Council were to approve the application.

Education – primary

8.131. The EGRT confirm that there will be a requirement to enhance and increase the provision of primary education infrastructure in the locality (Croughton All Saints CE Primary).

8.132. The multipliers for the contributions required for primary education are provided below.

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£1,614	£3,972	£4,592

Education - secondary

8.133. Notwithstanding the figures set out by the EGRT for secondary education contributions, SNC's Infrastructure Funding Statement makes it clear that funding for secondary education should come from CIL. Therefore, Officers contend that a separate sum should not be sought via S106.

Conclusions

8.134. The development will result in the need for improvements and enhancements to local infrastructure in order to mitigate its impact. The proposal also needs to provide 50% affordable housing. These contributions and provisions would need to be included in a S106 agreement.

8.135. There is presently no signed S106 agreement accompanying this application.

8.136. Given the Council's recommendation, it is submitted that a further reason for refusal should be recommended in the absence of a legal agreement securing the necessary contributions towards local infrastructure and facilities impacted by the development, and the policy compliant affordable housing provision.

8.137. It is recognised that, in the event the applicant appeals the decision, a draft S106 agreement could be provided in order to eliminate this reason for refusal.

9. FINANCIAL CONSIDERATIONS

9.1. The development would attract a Community Infrastructure Levy (CIL) payment under the Council's current CIL Charging Schedule. However due to the outline nature of the development the figure is currently unknown. The CIL charge will be calculated fully upon the submission of a detailed reserved matters application. Certain reliefs and exemptions are available (including social housing relief) and if claimed could result in a zero charge, unless disqualifying events occur. (For further information relating to CIL please visit <https://www.southnorthants.gov.uk/info/174/community-infrastructure-levy-cil>).

10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 8.1 – 8.50 ('Principle') explore whether, notwithstanding the conflict with the development plan in policy terms, and the Council's presently healthy housing land supply figure of 6.9 years, the site before the Council today and the proposed development of up to 46 dwellings can be considered sustainable development and supported.

10.2. It explores the pertinent material considerations that apply to this particular site, given its similarities to a site in Hartwell that had comparably scaled development dismissed at appeal around 18 months ago. It looks at whether there are grounds in the applicant's claim that the Council does not have a 5-year housing land supply, citing a further appeal decision from Greens Norton in April 2022.

10.3. Officers have sought to establish whether there are very site-specific factors that justify the Council taking an exceptional approach to this development in Croughton that, on face value, directly and significantly conflicts with the development plan and results in harm.

10.4. Those paragraphs also look at whether the provision of affordable housing should be afforded such significant weight as to outweigh the harm arising through the technical conflict with the development plan.

- 10.5. Officers find that Croughton is not a sustainable location to focus new development outside of the settlement confines. In terms of scale and amount, the site and scheme are comparable to a proposal in Hartwell that was dismissed at appeal for being unsustainable, primarily due to the absence within the settlement of higher-level services and facilities that would necessarily result in more private vehicle journeys. Croughton's location and situation is markedly similar to Hartwell, accessible along unlit country roads with no footpaths. Croughton has no timetabled bus service, at least not at present, whereas Hartwell benefits from one, and even then it wasn't afforded much weight by the Inspector, nonetheless.
- 10.6. One argument in support of allowing new residential development in a village of this scale, is that it will introduce new people to the area and provide vitality to the services and facilities operating within the settlement. This is a reasonable point to make, but on this occasion the scale and siting of development is simply too excessive and inappropriate to offer support on that basis alone. It should be highlighted that there are policies within the plan that are intended to assist the provision of new homes in open countryside locations, where it is recognised that housing needs cannot always be met within the confines of well-developed and long-established settlements.
- 10.7. Leading on from that, Officers are also concerned that supporting market-led schemes outside the settlement confines such as this one serve to undermine the spatial strategy. The spatial strategy has recently been tested through two recent appeals in Milton Malsor and Blisworth whereby the housing supply figures have been challenged unsuccessfully. Pertinently, Inspectors did not find merit in using an 'administrative area approach' to calculating relevant figures during these challenges.
- 10.8. The Council must determine the application in accordance with the development plan, and in this instance the scheme is contrary to the policies within this plan. The harm caused through the conflict with the development plan is therefore considered to outweigh any material considerations that might weigh in the scheme's favour. The principle of development is unacceptable at a fundamental level, as it was in Hartwell, and as it has been in other recent attempts to develop outside of the confines of larger settlements (Bugbrooke, Kings Sutton etc), and as such should not be supported.
- 10.9. Furthermore, after appraising the visual impact arising as a result of both losing and developing the site in question as well as the engineering works required to upgrade Brackley Road to a 5.5m wide carriageway with a 2m wide footpath, it is felt that the development would have a detrimental impact on the character and appearance of the site and wider setting of the village, particularly from the more immediately surrounding public domains.
- 10.10. Officers consider the site and the proposed residential blocks within it to relate poorly to the existing established residential built form within the village to the south. The site should not be regarded as a 'transitional' parcel of land which bridges a gap between open countryside and the urban edges of the settlement; instead, its positive contribution is derived precisely from its undeveloped nature providing a cessation in built form and the commencement of a tranquil agrarian landscape which is an intrinsic character notable to the north of Croughton as a settlement.
- 10.11. Consequently, the application also fails on visual harm/disruption grounds.
- 10.12. As such, the scheme before the Council represents visually harmful, and unsustainable in principle residential development in a poor location, alongside a lower status settlement that, while benefiting from a limited range of services and facilities, would be unable to provide suitable higher scale facilities to occupiers such that increased private motor vehicle journeys would become a necessity.

10.13. It should therefore be refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

- 1. The proposal fails to comply with the Council's adopted Development Plan which seeks to direct new residential development to the most sustainable locations within the district. Specifically, the proposal is a market-led housing scheme located outside of the settlement confines and does not comply with any of the exception policies listed within the South Northamptonshire Local Plan Part 2 that offer support to development outside of the confines of settlements. The Council can demonstrate in excess of a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply. Having considered all relevant material considerations, including the relative sustainability of the settlement, the availability and accessibility of its services, facilities, those of adjoining urban centres and employment opportunities, the provision of affordable housing and outcome of recent relevant appeal decisions, it is concluded that the harm caused through this application's conflict with the development plan exceeds any considerations that weigh in the application's favour. Therefore, the proposal fails to comply with policy LH1 of the South Northamptonshire Local Plan Part 2 and policy R1 of the West Northamptonshire Joint Core Strategy.**
- 2. The proposal fails to comply with the Council's adopted Development Plan which seeks to avoid the unacceptable loss of undeveloped land and open spaces of particular significance to the form and character of a settlement, and requires new development to be compatible and integrate well with its surroundings and the distinctive local character of the area. The site, and particularly the built form within the scheme, will not relate well to the existing established residential areas of Croughton, nor its established built limits or the settlement confines boundary. Instead, it results in an incongruous, intrusive and disconnected collection of dwellings in an open-countryside location, within a parcel of land that contributes positively to the appearance, character and setting of the settlement through its undeveloped, peaceful nature. Such development would be immediately perceivable from a public footpath running through the site, and it would disrupt the tranquillity of the agrarian landscape in this location. Furthermore, the significant highway improvement works result in significant loss of grass verges and existing mature vegetation along both sides of Brackley Road, resulting in it appearing as a significantly engineered and 'urbanised' environment in this part of the settlement. This causes further visual harm which, together with the site itself, combine to have significant detrimental impacts on the settlement. Therefore, the proposal fails to comply with policy SS2 (1.a and 1.b) and policy NE2 of the Local Plan Part 2 and policies S10 and R1 of the Joint Core Strategy.**
- 3. The proposal fails to comply with the Council's adopted Development Plan and Local Highway Authority Standing Advice which seeks to ensure all new development is provided with safe and secure access for all highway users, and**

that existing highway infrastructure is not severely impacted by new development. The submitted highway improvements scheme remains flawed in that the widening of Brackley Road and the footpath provision appears to require the use of land not in the applicant's ownership. There appears to be insufficient visibility at the pedestrian crossing near the junction with High Street. And further information (forward visibility) is absent from the plan, thus it is unclear the extent of highway improvements achieved in this location. There is insufficient information before the Council to assure it that the development will not cause harm to the safety of highway users, or result in a severe cumulative impact on the local highway network. Therefore, the proposal fails to comply with policy SS2 (j.) of the Local Plan and policies S10 and R1 of the Joint Core Strategy.

4. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure, facilities and services required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to policy INF1 of the South Northamptonshire Local Plan Part 2 and INF1 of the West Northamptonshire Joint Core Strategy.

SHOULD THE LOCAL HIGHWAY AUTHORITY SUBSEQUENTLY CONFIRM IT HAS NO OBJECTIONS TO A REVISED HIGHWAY IMPROVEMENT SCHEME, THEN AUTHORITY SHALL BE DELEGATED TO THE HEAD OF PLANNING TO OMIT THE HIGHWAY SAFETY REASON FOR REFUSAL (REASON THREE) FROM THE DECISION NOTICE OR NOT PURSUE THIS REASON FOR REFUSAL SHOULD AN APPEAL AGAINST THE DECISION BE MADE.