

**PLANNING APPLICATIONS**

**PLANNING AGENDA**

**15-Jan-2020**

**BACKGROUND PAPERS**

**“The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972 consist of all written responses to consultations made by the Local Planning Authority in connection with planning applications referred to in the reports.”**

**Please note that the order of items discussed on this agenda may be subject to change and you are advised to be in attendance from the beginning of the meeting to hear and/or speak on a particular item.**

**List of Planning Applications on this Agenda**

<u>Application Number</u>	<u>Location</u>
DA/2017/0826 (p.14)	BYFIELD
DA/2019/0027 (p.41)	YELVERTOFT
DA/2019/0579 (p.48)	STAVERTON
DA/2019/0812 (p.70)	WEEDON
DA/2019/0851 (p.80)	WEST HADDON
DA/2019/0852 (p.89)	WEST HADDON
DA/2019/0945 (p.98)	DAVENTRY
DA/2019/0960 (p.108)	ARTHINGWORTH
DA/2019/0999 (p.112)	MOULTON

The latest version of the National Planning Policy Framework was published and came into force on 19 February 2019 and took immediate effect for decision making on planning applications superseding the previous version.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

The presumption in favour of sustainable development remains:

For **decision-taking** this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 213 states:

...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the case of Daventry District, this includes the West Northants Joint Core Strategy 2014, saved policies of the Daventry District Local Plan 1997 and any documents based upon that, and the various neighbourhood plans that had been made at this time.

On 19 December 2018 the Council submitted its Settlements & Countryside Local Plan (Part 2) For Daventry District for examination. Following the hearing sessions in June 2019 the Council prepared a number of Main Modifications which are considered necessary to make the plan sound and have been agreed with the Inspector. They are put forward without prejudice to the inspector's final conclusions and all representations made will be taken into account by the inspector. The 6 week consultation on the main modifications closed on 4 November 2019. Such emerging Local Plans may continue to be considered and examined under the previous NPPF.

Under paragraph 48 local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

<b>Application</b>	<b>DA/2017/0826</b>	<b>Case Officer</b>	<b>MRS C PHILLIPS</b>
<b>Parish</b>	<b>BYFIELD</b>		
<b>Date Valid</b>	<b>18 SEPTEMBER 2017</b>		
<b>Location</b>	<b>LAND AT WOODFORD ROAD, BYFIELD, NORTHAMPTONSHIRE</b>		
<b>Development</b>	<b>OUTLINE APPLICATION FOR NEW MEDICAL CENTRE AND RESIDENTIAL DEVELOPMENT</b>		
<b>Applicant</b>	<b>BYFIELD MEDICAL CENTRE</b>		

**Recommendation – Refuse**

**Members' Notes**

### **Summary**

The proposal would provide a site and financial contribution towards the construction of a new medical centre which is necessary if the current surgery is to continue to accept new patients and deliver an improved service for existing patients. Whilst no details are presented for approval regarding the scale, appearance, layout and landscaping, officers consider that the extent of the proposed site would ensure that no substantial harm to heritage assets and landscape result. Officers consider that there would be some limited harm to the form and character of the village as the site extends beyond the existing confines. There are concerns that the proposed new medical centre and associated vehicle movements would add to the over capacity issues on the Fiveways Roundabout and compromise pedestrian and highway safety. However, it is arguable that the majority of patients already use this route and it would only be new patients that would add to the over capacity. Furthermore traffic movements associated with this particular use are rarely concentrated but spread throughout the day. It is therefore accepted that whilst the medical centre use would add to the level of traffic movements, this use alone would not necessarily be of such significance to warrant the need for the junction improvement requested at the Fiveways Roundabout.

With respect to the proposed medical centre, it is considered that the impacts as identified above would be outweighed by the community benefit that would result from a new medical centre.

It has been demonstrated that the proposed housing would be contrary to the prevailing policies of the Development Plan. Having regard to the previous appeal

decisions on smaller housing schemes, the proposed housing would extend substantially beyond the confines of the village and impede open views into and out of the village with harm to heritage assets and the landscape (the extent of which cannot yet be fully identified) and the form and character of the village. This element of the proposal together with the new medical centre would result in significant impacts on the Woodford Road and Fiveways Junction which need to be mitigated and without which would have an unacceptable impacts on highway safety and severe impact on the road network.

Overall, it is recognised that the proposed housing would enable the delivery of a site and financial contribution towards the construction of new medical centre which if constructed would be of a benefit to the community. However, in the absence of details relating the scale, appearance, layout and landscape for the proposed medical centre there is limited certainty that the enabling development sought would deliver sufficient funds to construct a new medical centre that would both accommodate the existing and growing number of patients and improve the services that would be available for the existing patients. It has been concluded that the absence of details together with the harm identified and unmitigated impacts would not be outweighed by the public benefit in delivery of the site and financial contribution and thus public advantage would not be achieved by approving the current application.

## **Consultations**

### **Parish Councils**

#### **Byfield Parish Council:**

Byfield Parish Council objects to the application based on the detail below.

As a statutory consultee, Byfield Parish Council (BPC or PC) considered this application at a meeting on Thursday 10th October 2019 in the village hall. As well as the Parish Council, there were approximately 30 members of the public present, during the meeting everyone who wished to comment on the application was given the opportunity to do so and some clarification to various points was offered by an employee of the applicant, we are also grateful to Tracey Rymer for her contributions – Mrs Rymer being the Practice Manager at Byfield Medical Centre.

Few would deny that the retention and improvement of medical services in our area is an important issue which is why the Parish Council has been open to discussions with the Partners for several years. Although the last approach from the Medical Centre to the PC was in February 2018 and we have not been party to any subsequent reviews of the plans where the PC and local community might well have been able to add value.

The PC records its admiration for the work undertaken at the Medical Centre where the January 2019 CQC report states that the standard of care is 'good' in every area.

A number of points of concern for Byfield Parish Council have been addressed by the addendums including:

- The introduction of an affordable housing element of 10% albeit below the 40% normally required.
- An acceptance that the Bus Shelter belonged to the Parish Council and if demolished would be replaced on a like for like basis

- A layby to allow safer entry and exit from buses
- A chicane to slow traffic entering and leaving Byfield on the Woodford Road \*  
However see comment 6 below.

However, some issues remain unresolved including:

- The lack of any offer to support our village through contributions to the Brightwell, Village Hall and other community based projects.
- A feeling that the land for the medical centre (not the buildings) should be donated to the community to ensure it remains available for public use in perpetuity.
- The loss of proposed safe pedestrian access to the rest of the village both for current residents of the Dolls Hill area and also any new residents of the 78 properties
- On-going concerns that road safety issues have not been satisfactorily addressed

In order to express our feelings about these elements of the debate, and also to include other facets that warranted comment, the PC has decided to **object** to the application in the hope that some progress could be made to address these concerns.

#### 1. Lack of drawings

We believe that for an outline application with reserved matters the Town and Country Planning (Development Management Procedure) (England) Order 2015) requires that, as a minimum, applicants should include information on:

- Use
- Amount of Development
- Indicative Access points

Although CREATE Consultant Engineers Ltd make reference to revised drawings they are not included as appendices with their report and nor are they available as validated documents on DDCs planning website. Because of this, it is not possible for the Parish Council, local residents ***nor*** Daventry District Councils Planning Committee to make properly informed judgements about what is proposed. Therefore, the application is not valid at this stage.

#### 2. Density of Development

Brown and Co have written an amendment to their original Design and Access Statement which is attached to CREATE's report. This refers to the reduction in the number of houses, from 90 to 78, as allowing for a less dense and feathered edge to Byfield. This creates two areas of concern for BPC

- a) We believe this to be disingenuous. Byfield Parish Council has been shown an indicative drawing (by the Byfield Surgery Practice Manager) that indicates there is no intention to increase the size of individual plots or public open space but rather to simply reserve a piece of land to the south of the site which could easily be the subject of a later planning application. In fact, according to this indicative drawing the density of the development has increased. 90 houses 12.10 houses per acre; 78 houses 12.5 houses per acre. However, the lack of validated plans makes it impossible for the Parish Council, local residents ***nor*** Daventry District Councils Planning Committee to make properly informed judgements about what is now proposed
- b) It is not completely clear that the number of properties will be 78 including 10% affordable or 78 plus 10 % affordable. This should be made clear before DDC makes its final decision. If this development goes ahead BPC

firmly believes that there should be a maximum of 78 including 10% affordable, ie at least 8 affordable houses and 70 open market properties

### 3. Safe Pedestrian Access

A significant supporting argument for the original proposal was the provision of safe, traffic free access to all of the resources in the centre of the village (and out to the proposed new Medical Centre) for pedestrians, cyclists, children going to school, buggys and prams and those using mobility aids. This access was crossing the new estate, into Church Street and then via Becketts Close and various footpaths into the centre and western side of the village. This was promoted as a benefit both for the new residents and also everyone currently living north of the Woodford Road in Byfield. Those arrangements have been withdrawn and the only access for pedestrians, school children etc will be down the narrow, steep and increasingly congested Woodford Road to Fiveways.

### 4. Pedestrian Access via Knightley Close

This access point remains but is proposed to be steps which will be completely unsuitable for many groups of users. At the least it should be constructed as a ramp or zig zag path and we would invite NCC Highways comments on this issue.

### 5. On-going concern about the veracity of the Transport Assessment and Road Safety Audit

It appears that as concerns about the capacity of the Fiveways junction are discussed the figures are simply adjusted to make them fit for purpose. We now have no confidence that either the original or adjusted figures are correct.

*The RSA at paragraph 1.5 refers to a fatality on the Woodford Road and says 'Unless the stationary vehicle was a bus, it is not thought to have any relevance to the current project.'*

Please be aware that the stationary vehicle WAS a bus and so this part of the RSA needs to be reassessed.

The RSA raises a number of concerns about the proposed signalisation of the Fiveways current mini roundabout arrangement including:

- a) A pedestrian refuge impeding the safe operation of the driveway of No 18 Woodford Road
- b) Paragraph 3.3 proposed 3 stage operation does not adequately separate opposing movements
- c) Paragraph 3.4 unusual two 'pocket' arrangements for right turns will create blind spots
- d) Paragraph 3.5 uncontrolled pedestrian refuges are at risk from over swing.
- e) RSA relating to Fiveways junction problem location plan shows traffic lights located on an island within the centre of the Woodford road at the Fiveways round about junction. HGV's accessing the Woodford road currently swing fully across both lanes and would wipe this out. CREATE drawings 03/005 and 03/010 do not show traffic lights in the centre of the Dolls Hill Woodford road junction, only on the nearside curb where they would not be visible.
- f) The figures imply that there will be no vehicle movements from around a third of the new properties during the morning and evening peak and takes no account of deliveries to the Medical Centre or houses
- g) Create drawing 03/007 details the bus stop. Swept path analysis is provided for a standard size service bus. Has consideration been made to the size of coaches used by the school bus service which would also have to access this layby?

- h) NH is not guaranteeing to take forward the mitigating scheme for the mini roundabouts

6. \*Chicane

Drawing 30/003 relating the traffic calming chicane contained within the CREATE report appears to show the chicane located after the causeway and before the proposed entrance to the development. This traffic calming measure should be positioned further east nearer to Curgenvin Close to slow traffic as it enters the 30MPH limit. (This is the location identified by Northamptonshire Highways HS2 Road Safety Fund)

7. Additional General Remarks by Parishioners and the Parish Council

- a) The local residents commented on the 8-wheeler HGVs turning both left and right to visit a food reprocessing plant in Woodford Halse. It would appear that none of these arrived during the site visit but regardless they present a real difficulty for the junction and other users.
- b) The RSA does not make any assessment of the number and type of pedestrian traffic, this seems a glaring omission now that the plans intend all non-motorised traffic to use the Woodford Road and Fiveways except for a small proportion who may be able to use the steps into Knightley Close. The PC suggests a much more detailed consideration of pedestrian use of this junction and a full day (0800-1800 hrs) observation and counting. This should also be done during a week day during term time.
- c) No account is made of the 16,000 pa vehicle movements on the Boddington Road to the Waste Recycling Centre which was granted planning permission in 2015 NCC reference 15/00036/WASFUL.
- d) Residents of Church St seemed pleased with the removal of the proposed access point on their road, whilst residents of Woodford Road and other locations to the North were less happy about the change.
- e) Many villagers raised concerns about safety and access with just the one proposed entrance to the housing estate and medical centre among comments was the idea of a separate access to the Medical Centre from Church Street.
- f) The Planning support statement refers to the new Daventry Settlements and countryside local plan which is currently in draft form which states "Developments outside the defined confines will be acceptable only .... Where a scheme is required to support an essential local service that has been demonstrated to be under threat" The medical centre is a privately-run enterprise, which is not under threat and indeed is still accepting new patients. It is recognized that the premises are not properly adequate due to the additional strain from extensive local development and there does not appear to be any plans for the tenants and landlords of the building to agree improvements. Parishioners did not see how this statement of 'being under threat' is satisfied unless the land and the new surgery is "Gifted to the community" If the site is gifted to the medical centre then a covenant will be required so this site can only ever be used as a medical centre.

Many at the meeting spoke in support of a new medical centre and the Parish Council recognises the desire to retain and if possible improve the services on offer however this was not what we were being consulted upon so those comments are not recorded in detail.

Finally, it is relevant that this site has been refused planning permission a number of times including at appeal. In addition, the 2019 Housing Land Supply assessment states that DDC has 6.8 years of land available.

**Woodford Parish Council:**

The Council strongly supports the proposal for a new medical centre. The application relates to land situated within Byfield parish, However, Woodford CM residents are major users of the medical centre. Consequent traffic to and from the new site would use a new highway access off Woodford Road reducing any effect on the current highway arrangement at Fiveways Junction, Byfield.

**Eydon Parish Council:**

Eydon Parish Council recognises and supports the need for the current Byfield Medical Practice to expand to allow for the required increase to its patient list due to the influx of new residents in its catchment area and is concerned that otherwise possible new residents would not be able to join the list.

However, EPC can only support this in principle and believe it is the residents and Councillors directly affected by the proposal who are best placed to judge the merits of the proposal.

**Neighbours**

527 letters of support and a petition of 1910 signatures have been received advising that the existing surgery is at full capacity and that a new surgery is much needed. It is felt that the new housing will help to support the school and existing businesses in the village and if not approved would mean closure of the surgery will necessitate elderly and those with limited transport having to find the means of travelling further for medical services.

19 letters of objection raising concerns regarding traffic, loss of amenity, lack of contribution to local schools and projects, impacts landscape, contrary to policies, poor application submission with inadequate information.

**NCC (Local Highway Authority) –**

The local highway authority (LHA) cannot support this planning application and must therefore remain in a position of objection to the development proposal as it currently presents.

The Fiveways Junction, otherwise known as the Dolls Hill Roundabouts

The proposed development would, if consented push the already over capacity workings of the two mini roundabouts on the A361; locally known as The Doll's Hill Roundabouts, immediately situated at the Woodford road junction, further over capacity by 10%. All traffic from the proposed residential development site of 70+ dwellings and a good percentage of traffic associated with the proposed medical centre would travel through these roundabouts and along Woodford Road.

Previously during the course of this planning application's progress the LHA had reached agreement with the applicant to provide a mitigation contribution of 10%, towards a future highway improvement scheme at the roundabouts, the full total agreed cost of scheme at £682,817.97; however it became clear that with no further developments of a size whereby further contributions could be sought being likely to come forward in the foreseeable future it would not be acceptable to take 10% of the cost of a scheme with the other 90% remaining unaccounted for. As such the LHA

must object to the planning application, on the grounds that the impact would be unmitigated.

However, if the applicant were to be agreeable to install the full scheme, as part of their Section 278 Agreement works, or, to come forward with an alternative scheme that they would be willing to install which would achieve the end result of mitigating their 10% over capacity, the LHA could, after a positive review of such a scheme, withdraw the currently held objection.

Therefore the applicant must either come up with a further mitigation scheme, that the LHA can test and accept, which will mitigate their extra 10% over capacity of these Roundabouts. Or, they put in the agreed full scheme prior to the proposed development being built out.

#### Woodford Road Site Access Junction

In principle the proposed vehicle site access arrangement; as detailed on Drawing No 1149/03/003 Rev F, should be referred to in any planning Consent that may eventually be granted on this proposed development site. However it was noted during Safety Auditing of the proposed site access junction that the following matters have become clear:

The location of the bus stop has been queried as to suitability in relation to the proposed site access junction

Also the swept path analysis exercise, in respect of the refuge island adjacent to the proposed vehicle access, details a vehicle very close, if not overrunning the tactile paving which is unacceptable. In addition the refuse lorry turning left out of the proposed site access is also very close to the island. The relocation of the refuge would appear to be beneficial both in turning movements and visibility for pedestrian users.

All of these matters would need to be considered further during a Section 278 Agreement Auditing process for works necessary to be undertaken in the existing highway that the applicant would be required to undertake, and would be commented upon further at that stage.

#### Internal Layout

Given that the current planning application is for an Outline Consent only the LHA have not provided any detailed comment on the internal proposals for the site, only to make the applicant aware that the proposed Medical Centre will need to be provided with sufficient parking facilities for all patients and visitors, along with dedicated parking facilities for an emergency service vehicle; an ambulance/first response ambulance car.

#### Planning Conditions

Should this development proposal eventually be granted a planning Consent the applicant will be required to provide the following:

##### Site Layout

Prior to any works commencing on the site the applicant shall supply a full set of engineering drawings for agreement in writing, detailing the following:

- The proposed site access arrangement; including, footpaths, the available inter-vehicular visibility splays, proposed site access levels, surfacing materials and drainage.

NB the proposed inter-vehicular visibility splays must be contained solely within the applicant's own land and publicly maintained highway land, no third party land may be included within these splays which must be measured from a set-back point of 2.4m back along the centre line of the proposed site access, and in both directions along the nearside edge of the carriageway. These splays must be levelled and kept clear to a height not exceeding 0.6m.

Following agreement in writing to the submitted drawings the development shall thereafter be built out fully in accordance with the agreed drawings.

#### Private Streets

In the event of any of the streets associated with the residential element of this proposed development are not being proposed for adoption as public highway, the following conditions apply;

- a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, will be submitted to the planning authority and agreed in writing prior to the commencement of development;
- b) The streets will in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;
- c) That prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and,
- d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).
- e) Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle cross-overs.

#### Construction Traffic Management Plan (CTMP)

This document shall contain the following:

- Full details of a Routing Agreement; including a map at no greater than A3/A4 size, to be given out to all construction traffic drivers to adhere to
- The day of the week and the hours of the operation of the site, please note that no construction traffic may operate on the public highway during the two peak periods on the highway network; 7:00 – 10:00 & 15:30 – 18:30
- Wheel washing facilities and arrangements
- Arrangements for dust management

The developer shall submit this document to the local planning authority for agreement in writing. Following the agreement in writing the consented development shall be built out fully in accordance with the detail contained within the agreed CTMP.

#### **NCC (Key Services)**

I am responding on behalf of Northamptonshire County Council key services (Education, Libraries, Broadband), and on behalf of Northamptonshire Fire & Rescue Service, on which this development would have an impact. Other service areas may respond separately.

This response follows the principal guidance in our adopted Planning Obligations Framework and Guidance Document (2015), which follows the tests of paragraph 56 of the National Planning Policy Framework (2018), and is therefore relevant to this planning application.

This response supersedes the previous comments submitted in relation to this application (dated 17 October 2017), following submission of amended plans by the applicant.

From the amended information received relating to this application, it is understood that the proposed development will comprise 78 new residential properties with the proposed dwelling mix unknown at this stage.

An average of 3 bed dwellings delivered across the site has therefore been used to guide this response.

### Education

A development of this size is expected to generate approximately 25 Early Years, 25 Primary School pupils and 13 Secondary and Sixth-form pupils based on the proposed dwelling mix and our pupil generation multipliers.

#### Early Years Education

The County Council has a statutory responsibility to provide Early Years services (e.g. pre-school, play-group, and/or nursery provision) for children aged two, three or four. The County Council's evidence base setting out capacity for future Early Years provision is currently being updated, however in the event of a contribution being required to ensure sufficiency of provision, the current Department for Education cost multipliers for Early Years Education are as follows:

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

In the event insufficient capacity is identified in the local area, this this development may be required to contribute **£309,816 towards provision of Early Years infrastructure**. This position will be reviewed by the county council once the proposed dwelling mix is known and upon review of local capacity.

#### Primary Education

In terms of Primary Education provision, this development would be served by Byfield Primary School. As at October 2019, the school was operating at close to 80% capacity across the majority of classes. However when considering the forecast level of pupils generated from this development alongside expected continued growth of demand based on birth rate and trend data, the school would be taken over its full capacity and there would be insufficient capacity for the number of pupils residing in the development.

It is therefore necessary to request a Primary School contribution in relation to this application, which will ensure that the children generated from this development can be accommodated in the local school.

The current Department for Education cost multipliers for Primary Education are

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

**A Primary Education contribution of £309,816 will be required.** This figure will be reviewed once the dwelling mix for the site is confirmed.

#### Secondary Education

Secondary Education contributions for the Daventry District area have previously been secured through developer contributions under the Community Infrastructure

Levy (CIL). This was demonstrated by the inclusion of Secondary Education on Daventry District Council's Regulation 123 list. However, legislative changes effective from 1st September 2019 have seen the removal of Regulation 123 in full. This means that from 1st September 2019, where necessary, Section 106 contributions will be sought from new planning applications for major housing development, towards additional Secondary Education infrastructure where there is insufficient capacity in the local area to accommodate the number of pupils generated by the proposals.

With regards to this application, a number of secondary schools would serve the proposed development. As at April 2019, the majority of these were operating with sufficient capacity to accommodate the likely pupil yield from this development, therefore a s106 contribution will not be required at this time. This position will be reviewed by the County Council in the event of the scale and/or mix of units proposed to be delivered on the development changing during the planning process.

The current Department for Education multipliers for Secondary School places are therefore included below for reference

<b>Size of Dwelling</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
<b>Cost per Unit</b>	£0	£1,170	£4,600	£5,941

The County Council recognises that any s106 obligation secured must be spent on mitigating the impact of the development locally; however we reserve the right to specify the projects on which it is spent on at a later date when further clarity is known, for example the ability of local schools to expand on their sites. The County Council will always aim to detail a specific school and/or project in the completed Section 106.

The County Council requests that it be consulted by the LPA in advance of any s106 Agreement being signed in order to ensure that the most accurate and up-to-date information is included with the Agreement

#### Fire Hydrants

New developments generate a requirement for additional fire hydrants in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northants Fire and Rescue Service in order to establish how many are required; however it is assumed this development will need 2x fire hydrants being installed.

A contribution of £892 per hydrant will be required (totalling £1,784) to support the cost of installing the infrastructure. The hydrants should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial buildings being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire.

The final location of the fire hydrants for this development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation.

Whilst the Fire Hydrant capital contribution can be secured through a planning obligation, it is also the preference of the county council that fire hydrants should be designed into the development at the masterplan stage and enforced through a planning condition. Below is a suggested standard condition for securing fire hydrants

*'No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.'*

*Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.'*

### Libraries

Where a new development will generate additional need and library space requirement, the County Council requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth. The cumulative impact of planned for development in the vicinity of the proposed site is expected to impact significantly on the current level of library provision as the new residents moving into the developments utilise existing facilities. Further development proposed in this application will therefore add to the pressures placed on existing provision.

The County Council has adopted the National Library Tariff formula produced by the Museums Libraries and Archives Council (MLA). This includes:

- A minimum standard of 30 sq. metres of new library space per 1,000 Population.
- A construction and initial equipment cost on a per sq. metre basis (adjusted to reflect Northamptonshire building costs), based on BCIS building costs for public libraries.

In order to adequately serve the growing community, improvements to the Library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. A schedule of works will be determined subject to available budget. These improvements are intended to support the provision of Library services to meet the needs of current and planned for population growth, and would make a key contribution to the Libraries Strategy and the county's prevention and other strategies.

In order to establish a proportionate cost towards the new works, the County utilises cost multipliers as per our adopted guidance.

Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs. Further information on these calculations can be found in the County Council's Planning Obligations Framework and Guidance Document 2015.

The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

<b>Size of Dwelling</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
<b>Cost per market dwelling</b>	£109	£176	£239	£270

A Libraries Contribution of £18,642 will be required. This figure will be reviewed once the dwelling mix for the development is confirmed and a specific project identified by the county council for inclusion in a s106 agreement.

### Broadband

The Northamptonshire vision is for the county to be at the leading edge of the global digital economy. This requires new developments (both housing and commercial) to

be directly served by high quality fibre networks. Access to a next generation network (speeds of >30mbs) will bring a multitude of opportunities, savings and benefits to the county. It also adds value to the development and attract occupiers.

In order for the commercial communications market to be able to deploy to these new build areas, measures must be introduced at the earliest opportunity. This will provide the required specification to enable fibre connectivity for all new developments in respect to receiving superfast broadband services. To help developers, some fibre based broadband network providers such as BT Openreach and Virgin Media have dedicated online portals which provide assessment tools and technical help.

There are also other providers may also be able to connect your development:  
<http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

Early registration of development sites is key to making sure the people moving into your developments get a fibre based broadband service when they move in. More information can be found in the links below:

BT Openreach: <https://www.ournetwork.openreach.co.uk/property-development.aspx>  
Virgin Media: <http://www.virginmedia.com/lightning/network-expansion/property-developers>

It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 – I Series Underground Cable Ducts (found at <http://www.dft.gov.uk/ha/standards/mchw/index.htm>).

For further information on the project please visit [www.superfastnorthamptonshire.net](http://www.superfastnorthamptonshire.net) or contact: [bigidea@northamptonshire.gov.uk](mailto:bigidea@northamptonshire.gov.uk)

I trust that the above response provides sufficient detail at this stage; please note however that the guidance contained herein may be subject to change as a result of changes to planning policy, legislation and guidance at national and / or local level as appropriate, and therefore continued consultation with the County Council is recommended to ensure that the latest available information is taken into consideration.

**NCC Archaeology:** Advises the imposition of conditions.

**Lead Local Flood Authority:** Advises the imposition of conditions

**Crime Prevention Design Advisor** – None received to date

**Natural England:** The application is unlikely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**NHS Nene CCG:** Supports the application and requests financial contributions be secured to meet the necessary expansion to primary health care capacity to meet demand from the proposed development.

**DDC Local Strategy:** Summary: The proposal is for a new medical centre and 78 residential dwellings outside of the village confines. Consideration will have to be

taken as to whether the proposal sufficiently balances the requirements of Policy S1, between the impact of the proposal on the distinct character and tranquillity against the contribution the proposal will make to the vitality of the rural community.

Although the applicant provides affordable housing below the requirement set out in Policy H1 and H2, the applicant has provided supporting information relating to viability which has been independently assessed and 'sensitivity' tested. The conclusion is that a reduced number of affordable housing units would be justified due to the costs involved in providing funding for the medical centre.

The assessment of the proposal identifies some conformity and also some conflict with Policy R1.

The scheme would not be in accordance with saved local plan policies GN1, HS22 or HS24.

It is considered that the proposal would meet the exceptional circumstance test as set out in Policy RA2 Biii), provided that sufficient evidence has been provided that this development is needed to support an essential service that is under threat.

Consideration will need to be given as to whether there is sufficient evidence that supports the application being in accordance with criteria C i) and iii) of policy RA2.

**DDC (Landscape Officer – Community)** – I appreciate this is an outline application so the level of detail associated with the submission is limited in particular landscape and levels, but from the Site Areas Plan one significant point immediately apparent is that the access originally proposed from Church Street has now been omitted. The main issue was impact on character with the need to breach an existing visually significant retaining wall. In addition the substantial difference in levels between the site and Church Street would have had to be accommodated into the site with highways requiring a certain gradient to be acceptable which would have substantially impacted both the wall and the land within. As a result there is now one access off the Woodford Road. With regard to the limited diagrammatic landscape information provided on the Site Areas Plan an area running from the south eastern boundary of the existing Medical Centre to a point just south east of the access to Becketts Close immediately to the rear of the Church Street has been identified for landscaping including a Balancing Pond. This has the potential to help to mitigate the proposed houses within the site to the north, but obviously this will depend on the quality of landscaping in terms of species and size as well as aftercare. I note the area narrows towards its southern edge, I would strongly suggest that the buffer is widened in order to address the slope towards Church Street and allow sufficient landscaping to be provided to help mitigate houses to the north. The final 40m of the site from Church Street to the eastern boundary has been identified as Undeveloped Area which has the potential to prevent development along the final section of Church Street while creating a buffer for the property immediately south east of the site. There does not appear to be any indication of the treatment of this Undeveloped Land as there is landscaping associated with this area so whilst it is currently unaffected by development further details would be needed.

There is currently a band of trees along the site's northern boundary with the Woodford Road, possibly trees that have developed from an original laid hedge but forming an important visual buffer for the land to its south. The new access will require the removal of a section of the trees but it would appear that there is an opportunity for the retention of the section of trees to the east of the new access while the section to the west falls within the area identified for the Medical Centre, but it would be hoped that these trees could be incorporated into the design. If this strong visual feature of the trees can be retained along the site's northern boundary the layout of the houses needs to be properly considered in order that sufficient space is provided in order to avoid possible conflict (shade, roots, overhanging branches etc.).

Limited information along the sites eastern boundary, with the exception of the retained TPO tree and landscape space around it that ties into the eastern boundary. The remaining landscape planting allocation along the length of the eastern boundary narrows to nothing next to Dolls House Cottage the only property on the sites eastern boundary. There appears to be a well-established hedge along the eastern boundary including trees. This existing feature should be retained and incorporated into the layout, with gapping up of any holes in the hedge and the provision for sufficient landscape strip along the boundary. In addition where development is proposed avoid the hedge being the garden boundary to properties, it should be separated by a footpath, road or linear open space to avoid a variety of treatments by various households given the visual importance of this boundary for the site when viewed from Woodford Road to the east.

The site generally falls from north to south, while the ground along the Church Street boundary is retained with a stone wall approximately 2m high with the ground then rising to the east. This highlights the importance of keeping the rising ground behind the retaining wall clear of development and in fact landscaped to provide mitigation. I am unable to find any levels existing or proposed which given the way the land falls north to south and east to west would need very careful consideration in terms of finished floor levels as well as the relationship to the retained landscape features, in particular boundary vegetation.

The omission of the new entrance from Church Street with all the previously identified level and visual issues has combined with the apparent provision for landscaping and lack of development on the southern end of the site has addressed the major landscape issues. There is still a need for careful consideration and provision of the landscape details as well as levels, but in light of the amendments I do not object to the principal of development in the areas identified away from the south eastern and south western boundaries.

**DDC (Listed Buildings & Conservation Officer – Community)** – I have had chance to review the latest site area plan and additional/amended information for this application.

The omission of the access off Church Street – allowing for the retention of the line of the historic stone boundary wall along Church Street - is an obvious improvement. If the proposed green landscape edge along this frontage allowed for the retention of the existing trees, together with additional landscape planting, this would be helpful. I find it hard to envisage a large balancing pond on this elevated land behind the wall. There seems to be the potential for some conflict with land levels, views, etc.

The reduction in the maximum number of proposed dwellings is also welcomed. The retention of an undeveloped area at the southern end of the site would provide some buffer for the historic properties on Church Street. However, the developed area would still cover most of the existing open space, and the creation of an arbitrary boundary between the “developed” and “undeveloped” areas within the field has its own landscape and visual issues. Given the sloping nature of the site, its elevated position above Church Street and the views towards it from the surrounding area, any development on this site has the potential to be highly visually intrusive.

The heritage statement addendum acknowledges the value of the spire of Holy Cross Church as a feature in the landscape and an important visual reference within the surrounding area. Although the opportunity to create vistas within the new development is recognised, in the absence of any indicative drawings it is difficult to

envisage how this would be achieved. It is not clear whether the applicants have reviewed the potential for harmful impacts upon views of the church within its village and landscape setting from the surrounding area in response to my previous comments. There is no reference to this in the heritage addendum. In its absence it is difficult to accept the applicant's conclusion that there would be less than substantial harm to significance as a result of development within the setting of a designated heritage asset.

The greatest potential for harm I think would be to the character, form and appearance of the village. I refer back to my original comments in respect of this application, and to the points raised by the previous planning appeals against residential development on the site. The land clearly constitutes part of the open countryside as distinct from land within the confines of the existing village of Byfield. Residential development over a major part of the site would represent wholesale change to this character and appearance. The application site is significantly higher than Church Street and slopes up away from it. Without details of the existing and proposed ground levels, building density, heights and orientations, and boundary treatments, etc. it is simply not possible to say what level of visual impact is likely to arise. There are no indicative designs for housing and therefore it is not possible to comment on whether development would be of high quality or how it would relate to existing village properties. In the absence of this information it is not possible to demonstrate that the site is suitable for development of the scale and extent proposed, or whether any adverse landscape and visual impacts could be satisfactorily mitigated. As such, I remain of the opinion that an outline application, where all matters except access are reserved, is not appropriate for this site.

Has the option of retaining the existing medical centre and extending the buildings and car parking into the field immediately behind been properly considered and ruled out? The cost involved in this would surely be far less than building an entirely new medical centre. It seems unlikely that two medical centres would operate in the same village, so why wouldn't the owners of the current centre consider this? It would cause the least upheaval for existing residents in Byfield. It would free up the proposed site of the new medical centre for residential development, which could then be concentrated towards the northern end along Woodford Road instead of across the majority of the site. This would allow for the maintenance of a much greater belt of undeveloped land between Woodford Road and the southern end of Church Street, which would help to retain the open character, which is an important feature of the settlement and its relationship to the open countryside. The retention of the Church Street access for the medical centre might also relieve some of the extra pressure that would otherwise be put on the roundabout system at the bottom of Woodford Road.

**DDC (Environmental Health – Community)** – Advises the imposition of conditions

**MPs & Local Councillors:** Letters of support are received advising the following:

There is a real need for a larger building for the medical practice

The current building is now too small and it does not have capacity to deal with the number of people that use it

If the practice is unable to relocate to new larger premises, they will have to close the list to new patients

NHS England have twice been previously approached for funding but the bids have been rejected as Byfield is seen as low priority.

The application is the only realistic solution to ensuring that local healthcare continues to be available the constituents registered at this practice.

The bus services to the nearest towns are infrequent and prohibit local residents from reaching their nearest GP providers  
Support is offered for the proposal and the Local Planning Authority is urged to grant this application consent.

### **Planning Policies**

West Northants Joint Core Strategy (WNJCS)

Policy SA - Presumption in favour of Sustainable Development

Policy S1 – The Distribution of Development

Policy S3 – Scale and Distribution of Housing Development

Policy C2 – New Developments

Policy RC2 – Community Needs

Policy H1 – Housing Density and Mix and Type of Dwelling

Policy H2 – Affordable Housing

Policy BN5 – The Historic Environment and Landscape

Policy INF1 – Approach to Infrastructure Delivery

Policy INF2 – Contributions to Infrastructure Delivery

Policy R1 – Spatial Strategy for Rural Areas

Policy R3 – A Transport Strategy for Rural Areas

Saved Polices of Daventry District Local Plan

GN1 – General

GN2 – General Design

HS22 – Restricted infill villages

HS24 – Housing in Open Countryside

Byfield Village Design Statement (Feb 2016)

Policy 2 Design of new development have fullest respect for vernacular style

Policy 3 New development should be integrated into the village landscape

Policy 7a New development should have a continuity of visual style to existing

Policy 7b New development should make use of local materials and building form.

Settlements and Countryside Local Plan (Part 2) (Submission Version)

RA2 – Secondary Service Villages

RA6 – Open Countryside

HO8 – Housing Mix and Type

ST1 – Sustainable Transport

ENV1 – Landscape

ENV7 – Historic Environment

ENV10 – Design

CW2 – Open Space Requirements

The Settlements and Countryside Local Plan (Part 2) has been subject to examination. Modifications in accordance with the Inspectors advice and additional modifications have been delivered to the Inspector for confirmation of acceptance and a response is awaited by Local Planning Authority. Having regard to these considerations, it is my view that that whilst the emerging policies cannot be afforded full weight substantial weight may be applied to the policies where no modifications were sought through the examination process.

Achieving sustainable development: 8  
The presumption in favour of sustainable development: 11  
Determining applications: 47, 48, 49, 50  
Planning conditions and obligations: 54, 55, 56, 57  
Delivering a sufficient supply of homes: 62, 64  
Promoting healthy and safe communities: 92  
Promoting Sustainable Transport: 102, 108, 109, 110, 111  
Achieving well –designed places: 124, 127, 128, 129, 130, 131  
Conserving and Enhancing the Natural Environment: 170  
Conserving and Enhancing the Historic Environment: 184, 189, 190, 192, 193, 194, 195, 196, 197, 202

## **Relevant Planning History**

DA/87/0694 – Erection of 14 dwellings (Church Street) – refused - dismissed on appeal  
DA/87/0695 – Erection of 24 dwellings (Woodford Road) – refused  
DA/2010/0057 – Construction of 35 dwellings, 10 affordable housing units, means of access, open space, landscaping, retention pond, sewers and associated works – refused  
DA/2011/0407 – Outline application for residential development – refused – dismissed on appeal  
DA/2011/0408 – Change of use of land to pocket park and construction of footpath- allowed on appeal  
DA/2012/0926 – Outline application for residential development (Sect 106) – refused – dismissed on appeal

## **Observations**

### **Site**

The site forms an agricultural field south of Woodford Road and east of Church Street. The land rises from west to east as well as south to north and the highway level of Church Street is approximately 4m lower than the proposed development area of the application site. Long open views are available from west of Church Street towards Woodford Halse and vice versa. A historic stone retaining wall separates the site from the highway and forms an important feature of the street scene. From the Woodford Road well established tree and hedgerow planting partially screens the site. However, it is acknowledged that this screening would be substantially reduced during the winter season and more so by the development. Dwellings on Knightly Close and the existing Byfield Surgery are located north west of the site.

### **Application**

An application initially sought outline consent for the construction of 90 dwellings and a new medical centre. A viability assessment was submitted in support of the application. The assessment indicated that to enable the provision of land and financial contribution of £1.25 million for construction of the surgery, 90 dwellings was required. The viability assessment was subject to consideration by an independent consultant on behalf of the Local Planning Authority and it was advised that 78 dwellings was required (having regard to a profit margin of 17.5% in respect of open market units and 6% for the affordable dwellings).

The independent consultant concluded that with total of 78 dwellings, it would be possible to provide 10% affordable housing (8 dwellings), be CIL and Sect 106

compliant in respect of contributions for education, libraries, fire hydrants, broadband, provision of children play areas, young people play areas, allotments and indoor youth facilities, management of local amenities and monitoring in accordance with NCC Keys Services advice and DDC Infrastructure and Developer Contributions SPD.

The original application sought two means of access to be approved with access proposed from both Woodford Road and Church Street. Strong concerns were raised by officers with regards to the proposed part demolition of the stone wall within Church Street to accommodate the proposed access and the significant degree of engineering works which would be required to ensure that the access would meet the County Highway Authority standards.

Having regard to these conclusions and concerns, the application was revised and now seeks outline planning consent for the construction of 78 dwellings and a new medical surgery with means of access for approval from Woodford Road alone. A new pedestrian is indicated from Knightly Close to the proposed site of the new medical centre.

For the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the DMPO)

“access” means:

“accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes...”

Although an indicative drawing has been submitted to illustrate how the developments may be accommodated on the site, the remaining matters of layout, appearance, landscaping and scale are reserved.

#### Principle of Surgery and Housing Development

Policy R1 sets out the spatial strategy for rural areas stating that development will be guided by a rural settlement hierarchy which would be set out in Part 2 Local Plans. In this case, Byfield is identified as a Restricted Infill Village within saved Policy HS22 of the Daventry District Local Plan and as a Secondary Service Village within The Settlements and Countryside Local Plan (Part 2). These policies recognise that Byfield performs an important role in helping to provide some services and facilities for the local community it serves and sets out criteria where development would be acceptable.

The policies cite that development will be located within the confines of the village. SCLP (Part 2) RA2 refers to an inset map which illustrates the confines of Byfield village. This requirement is also set out within policy R1 of the West Northants Joint Core Strategy.

It is undisputed by the applicants and officers that the application site is located outside the confines of the village. As such both elements of the proposal being the surgery and the proposed dwellings would be contrary to this criterion. The central part of WNJCS policy R1 refers to development outside the confines of the village and advises that “Development outside the confines of the village will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy

This is in part supported by SCLP (Part 2) Policy RA2 which advises that Development outside the defined confines will be acceptable only in the following circumstances;

Where the housing land supply is less than 5 years (3 years where a neighbourhood development plan is in place that allocates sites for housing) or;

Where the development provided would clearly meet an identified local need, for housing this would be need identified through an up to date Housing Needs Survey or Housing Needs Assessment where it can be demonstrated that this could not otherwise be met within the defined village confines; or

Where a scheme is required to support an essential local service that has been demonstrated to be under threat especially a primary school or primary health service; or

Economic development that will enhance or maintain the vitality or sustainability of the Secondary service Village or would contribute to towards and improve the local economy

NPPF paragraph 92 advises that planning decisions should plan positively for the provision of local services to enhance the sustainability of communities and guard against the loss of such services. This paragraph also seeks to ensure that these services are able to develop, modernise and be retained for the benefit of the community.

The Planning Statement submitted in support of the application advises that the existing surgery facility is currently 60% undersize having regard to a patient list of 8020. The document states that without the provision of improved facilities the surgery will necessarily close its patient list requiring all new residents to travel elsewhere for local health services with possible closure in the future. It is officer's view that the proposed surgery would not be a community facility which is controlled by a public body. The land and proposed building would remain to be within private ownership and future retention of the site for the purpose currently sought would be dictated by the owners. Equally, based on the information submitted to date, officers are not wholly convinced that the local service it would support is under threat. The evidence submitted indicates that the current facility is in fact well used and seeks improvements to the services available for a growing patient list which is far beyond Byfield parish and the immediate adjoining villages.

- Nevertheless, the existing surgery remains to be an essential local service, which having regard to the above policies and the NPPF (as material consideration) should be permitted to modernise and this provision would enhance the sustainability of the village. Having regard to these considerations it accepted that whilst there would remain to be some conflict with policy HS22, SCLP (Part 2) Policy RA2 and the first part of WNJCS Policy R1 it would accord with the latter half of WNJCS Policy R1 as it would contribute to enhancing the vitality of the rural community.
- SCLP (Part 2) Policy RA6 sets out the only forms of development that will be supported in the open countryside and this includes community uses which would be of an appropriate scale for its location and has no significant impacts on its character, beauty and tranquillity. In this case the proposed new medical centre would not necessarily form a community use but provides an important local service. The proposed site would not extend beyond the existing dwellings on Knightly Close, nor intrude significantly into the agricultural field. A significant buffer would remain between the historic building on Church Street and views of the church spire would not be impeded. As such any impacts on heritage, the landscape and views into and

out the village would be limited. Having regard to these considerations it is officers view that the proposed surgery would comply with this emerging policy.

- The preceding paragraphs have advised that alongside the proposed surgery the application also seeks consent for the construction of 78 dwellings. It is undisputed by both the applicant and officers that the site lies outside the confines of the village and as such this element of the proposal would be contrary to saved policy HS22 of the Daventry District Local Plan, the first part of SCLP (Part 2) RA2 and the first part of WNJCS Policy R1. With the proposal being identified as being outside the confines of the village and by virtue of this consideration, the proposal would be within the open countryside where saved policy HS24 of the Daventry District Local Plan would be applicable. This advises that planning permission will not be granted for residential development in the open countryside other than development which includes the re-use and conversion of existing buildings essential for the purposes of agriculture or forestry or the replacement of an existing dwelling. It is considered that the proposed housing element of the application would not accord with either of these requirements.
- The latter part of WNJCS Policy R1 which is supported by SCLP (Part 2) Policy RA2 sets out the circumstances where development outside the confines of the village will be permitted. This latter part advises that once the housing requirement for rural areas has been met, further housing development will only be permitted where it can be demonstrated that it would
  - i) result in environmental improvements or is
  - ii) required to support the retention of or improvement to essential local services that may be under threat and
  - iii) has been informed by an effective community involvement exercise prior to the submission of the application or
  - iv) is a rural exception site (as set out in H3) or
  - v) has been agreed through an adopted neighbourhood plan.

At the time of writing this response the housing requirement for rural areas has been exceeded for the plan period (WNJCS policy S3) and as such it is necessary to engage the latter criterion in consideration of the application.

It should be noted that the development has to meet criterion i) or ii), and one or more of iii), iv) or v). The proposed development is considered against each as follows;

i) Would result in environmental improvements – the site is beyond the confines of the village and the development would result in an undesirable extension of the main built up area and an urban edge with detriment to the immediate environment.

ii) Is required to support the retention of or improvement to essential local services that may be under threat – there is no evidence that such services are under threat but rather than the proposed housing would fund the provision of a new medical centre to improve the existing service available

iii) Has been informed by an effective community involvement exercise – evidence has been submitted to demonstrate that community engagement has been undertaken.

iv) Is a rural exceptions site in accordance with WNJCSLP Policy H3 – the application has not been submitted on this basis.

v) Has been agreed through an adopted neighbourhood plan – there is no adopted plan.

Whilst acknowledging that the application would bring additional accommodation to the village, it is considered that the proposal would not meet the necessary tests as set within the WNJCS R1. Overall, it is not considered that the case for such circumstances as set out above has been made and in any event, the facts of the Council having a five year housing land supply, and the rural areas housing target having been exceeded, would mean that there was no necessity to consider such further housing development favourably unless exceptions are demonstrated.

Having regard to the above officers consider that the principle of the proposed medical centre may be supported but the proposed new dwellings would be contrary to the prevailing Development Plan policies.

#### Heritage & Landscape

In support of the application a Heritage Assessment, a further Addendum to Heritage Assessment and Land and Visual Impact Assessment was submitted.

The Development Plan policies cited within the preceding chapters of this report seek to ensure that proposals reinforce local character and distinctiveness and have regard to impacts of proposals on heritage assets and the landscape. The policies together with the NPPF as material consideration requires that any harm to heritage assets should be weighed against the public benefits.

The comments received from the Listed Buildings and Conservation Officer whilst recognising that the proposed undeveloped area to the south would provide a visual buffer from the historic properties on Church Street states that “the developed area would still cover most of the existing open space, and the creation of an arbitrary boundary between the “developed” and “undeveloped” areas within the field has its own landscape and visual issues. Given the sloping nature of the site, its elevated position above Church Street and the views towards it from the surrounding area, any development on this site has the potential to be highly visually intrusive.

The heritage statement addendum acknowledges the value of the spire of Holy Cross Church as a feature in the landscape and an important visual reference within the surrounding area. Although the opportunity to create vistas within the new development is recognised, in the absence of any indicative drawings it is difficult to envisage how this would be achieved. It is not clear whether the applicants have reviewed the potential for harmful impacts upon views of the church within its village and landscape setting from the surrounding area in response to my previous comments. There is no reference to this in the heritage addendum. In its absence it is difficult to accept the applicant’s conclusion that there would be less than substantial harm to significance as a result of development within the setting of a designated heritage asset.

The greatest potential for harm I think would be to the character, form and appearance of the village. I refer back to my original comments in respect of this application, and to the points raised by the previous planning appeals against residential development on the site. The land clearly constitutes part of the open countryside as distinct from land within the confines of the existing village of Byfield. Residential development over a major part of the site would represent wholesale

change to this character and appearance. The application site is significantly higher than Church Street and slopes up away from it. Without details of the existing and proposed ground levels, building density, heights and orientations, and boundary treatments, etc. it is simply not possible to say what level of visual impact is likely to arise. There are no indicative designs for housing and therefore it is not possible to comment on whether development would be of high quality or how it would relate to existing village properties. In the absence of this information it is not possible to demonstrate that the site is suitable for development of the scale and extent proposed, or whether any adverse landscape and visual impacts could be satisfactorily mitigated. As such, I remain of the opinion that an outline application, where all matters except access are reserved, is not appropriate for this site”.

These comments together with those of the DDC Landscape Officer indicate concerns with lack of information to reach an informed decision regarding the potential impacts of the proposal and conclude that the current outline application is inappropriate for such a proposal.

The application before Planning Committee members forms an outline application and as such must be judged on its merits as submitted. The planning appeals referred to within the Listed Buildings and Conservation Officer’s comments relate to previous applications on this site including an outline application for 36 dwelling with only access for approval DA/2012/0096. The appeal site extended to the southernmost part of the existing surgery site and whilst the current application site extends beyond this, the majority of the proposed developed area fronting Woodford Road would be identical. The form and character of this area has not altered since the appeal decision and as such the conclusions of the Inspectors decision remain highly relevant in consideration of this application.

In dismissing this appeal the Inspectors decision considered that “From Woodford Road and the houses on it, views are available which include the trees along the site frontage, its open nature and open land and the church spire in the distance.... I consider that the introduction of a run of houses extending for a significant length of the frontage even of local stone, along with landscape works would transform the current informal boundary with views of the open site and beyond into one which would be dominated by a sub-urban form of development, albeit behind the frontage trees. I consider that this would not be a slight beneficial impact but one which would be harmful to the character of this part of the village and its immediate setting. I have taken careful account of the intention to provide additional planting at the boundaries of the site and within the proposed gardens; however, any benefit in this respect is not sufficient to outweigh the unacceptable effects of the wholesale change to the character of the site that the proposal would bring about. Account has also been taken account of the landscape and visual evidence submitted to the Inquiry but there is nothing therein which outweighs or alters my conclusion on this matter. Therefore the proposal would be contrary to Policies GN1 and GN2 of the Local Plan”.

The Planning Inspector concludes that “The proposal would involve development in the open countryside which is unacceptable in principle. Furthermore, due to the location of the appeal site, its position in relation to the village and the form of the development proposed, the proposal would have an unacceptable effect on the character and appearance of the locality. These matters are sufficient to significantly and demonstrably outweigh the benefits of the proposal including the fact that I have that the Council is unable to demonstrate a five year supply of deliverable housing sites, albeit that the shortfall is no great. I have also taken account of the ... benefits

of the proposed development; however, I find that these are insufficient to outweigh the harmful effects of the proposal”.

It is important to note that this appeal decision upheld the views of previous Inspectors with regards to development on this site and the impacts on the form and character of the village. Furthermore, the decision to dismiss this appeal was concluded in more favourable policy conditions whereby the Council was unable to demonstrate a five year land supply.

There has been no substantial change since the determination of this appeal in the character of the area that would lead officers to an alternative conclusion about the adverse impacts which would be highly visible from well used public highways and footpaths.

Having regard to the concerns cited by Listed Building and Conservation Officer and the Landscape Officer together with the considerations cited within previous appeal decisions, it is considered that the proposed housing would undoubtedly result in harm to the form and character of the village contrary to the Development Plan policies cited within the preceding paragraphs of this report.

#### Highways & Transport

Development Plan policies require that safe and suitable access is achieved for all users of proposals. New developments will only be permitted if the necessary on and off site infrastructure that is required to support it and mitigate its impacts is either in place or there is a reliable mechanism in place to ensure that it will be delivered.

The NPPF as material consideration advises that all developments that will generate significant amounts of movement should be supported by a transport statement or assessment so that the likely impacts of the proposal can be assessed.

Following amendments, the application now proposes a single access from Woodford Road and in support of the application a transport assessment was submitted.

The application and Transport Assessment was subject to consultation with the County Highway Authority. The comments received advise that the LHA cannot support the application its current form and a number of matters are raised which require addressing.

Fiveways Junction Improvement – At present the applicant has confirmed their willingness to contribute 10% of the cost towards the proposed improvements. This would not mitigate the impacts of the scheme and until such time the applicant were agreeable to implement the full scheme (prior to the development being built out) or agree with the Local Highway Authority an alternative scheme which can be tested and accepted to be addressing the impacts, the LHA objects to the application.

Woodford Road Site Access Junction – The Auditing of the site access junction raised matters relating to the location of the bus stop and its suitability in relation to the proposed site access junction. Further concerns are also raised with respect to the swept path analysis exercise in respect of the refuge island adjacent to the proposed vehicle access which details a vehicle being very close to if not overrunning the tactile paving which is stated as unacceptable to the LHA. In addition, the refuse lorry turning left out of the proposed access is also very close the proposed island. The LHA advises that the relocation of the refuge would be beneficial both in terms of turning movements and visibility for pedestrian users.

At the time of writing this report these matters are unresolved.

It is noted that the LHA also raised concerns with respect to internal site layout and requested that conditions relating to site layout, private streets and construction traffic management be imposed. However, these are not technical impediments to the scheme and officers consider that these may be adequately addressed by appropriately worded conditions.

Having regard to the concerns raised by the County Highway Officer which are yet to be resolved, it considered that the matter of highways and transport has yet to be satisfactorily addressed and if approved the proposal would result in both unacceptable impacts on the highway safety and severe impacts on the road network contrary to the Development Plan policies cited.

It is acknowledged that the applicant has indicated a willingness to enter into a legal agreement to secure the Fiveway Junction Improvement works required but it is necessary that such agreements are explicit as to the extent of works agreeable and the matters regarding the Woodford Road Site Access Junction would still require addressing.

#### Enabling Development

As defined by Historic England "Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could otherwise not be achieved. While normally it is a last resort it is an established and useful planning tool by which a community may be able to secure the long term future of a heritage asset and sometimes public benefits, provided that it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to the land as a result of the granting of planning permission for its development".

The current application advises that the proposed new medical centre cannot be delivered without the development of 78 dwellings. The preceding paragraphs have demonstrated that the proposed dwellings are contrary to the Development Plan and would result in harm to the form and character of the village which has also been identified within previous appeal for much smaller housing development schemes. Furthermore, matters relating to highway concerns and impacts remain unresolved. Information submitted in support of the application advises that the proposed dwellings are necessary enabling development without which the proposed new medical centre cannot be delivered.

The principle of enabling development does not prevent a developer from making a fair and reasonable return on their investment but Local Planning Authorities are required to determine what is a fair and reasonable return. In this case, a viability assessment was submitted which was subject to review, concluding that the level of enabling development at 78 dwellings was justified to deliver the site and financial contribution of £1.25 million towards the construction of a new medical centre. Although the proposed enabling development fails to provide the policy requirement of 40% affordable housing provision, the proposed under provision of affordable housing allows the viability of the scheme and other policy compliant contributions to be preserved.

The matter for consideration is whether public advantage has been demonstrated in provision of a site and financial contribution of £1.25 million towards the construction of new medical centre outweighing the harm identified within the previous chapters of this report.

Officers have recognised that the existing surgery provides an important local service which is a public benefit and that the existing building is currently undersized. It is also acknowledged that a new surgery would allow the continued acceptance of patients who may need to otherwise travel further for medical needs. However, this local service is not currently under threat of closure but rather it will necessarily close its list to new patients if this application is not approved. The Planning Statement advises that the current building is unable to accommodate the needs of its existing patients and improvements are necessary and that there is possibility that the existing surgery will close in the future which will result in a negative impact on the community.

While it is accepted that the enabling development would provide a site and financial contribution, the application is submitted in outline only with no details of the new medical centre relating to scale, appearance, layout, landscaping nor financial cost of construction (which would be subject of these details). Officers consider that such details are necessary to demonstrate that the enabling development and the contributions proposed would be sufficient to deliver the improved facility sought. In the absence of these details officers have concerns as to the certainty that the proposed enabling development would indeed deliver the construction of a new and improved medical centre. Furthermore, the site would remain within private ownership and thus there is possibility (as with possibility of closure of the existing surgery) that the land and building may seek alternative uses in the future with loss of local service and the impacts of the housing remaining.

The lack of detail also restricts officer's ability to fully consider the impacts on heritage and landscape and as such it is difficult to identify the level of resulting harm to these elements which should be weighed against the benefits of the proposal. However, given the harm identified within previous appeal decisions on smaller housing schemes, it would be reasonable to suggest that a larger housing and more extensive development would result in greater harm than that identified by the Planning Inspectorate in previous appeals. Having regard to these considerations, it is officers view that public advantage in the provision of a site and financial contribution has not been demonstrated outweighing the harm to heritage and landscape, the form and character of the village and the unacceptable impacts on highway safety together with the severe impacts on road network which remain unmitigated.

#### **Other Material Considerations**

The application is supported by a number of documents with inclusion of an Ecology Statement and Flood Risk and Drainage Strategy. These documents have been subject of consultation with the Lead Local Flood Authority and Natural England. The comments received do not raise objections but advises the imposition of conditions. It is therefore considered that subject to the imposition of appropriately worded conditions the matters relating to flood risk, drainage and ecology have been adequately addressed.

#### **Conclusions**

The proposal would provide a site and financial contribution towards the construction of new medical centre which is necessary if the current surgery is to continue to accept new patients and deliver an improved service for existing patients. Whilst no details are presented for approval regarding the scale, appearance, layout and landscaping, officers consider that the extent of the propose site would ensure that no substantial harm to heritage assets and landscape result. Officers consider that there would be some limited harm to the form and character of the village as the site

extends beyond the existing confines. There are concerns that the proposed new medical centre and associated vehicle movements would add to the over capacity issues on the Fiveways Roundabout and compromise pedestrian and highway safety. However, it is arguable that the majority of patients already use this route and it would only new patients that would add to the over capacity. Furthermore traffic movements associated with this particular use are rarely concentrated but spread throughout the day. It is therefore accepted that whilst the medical centre use would add to the level of traffic movements, this use alone would not necessarily be of such significance to warrant the need for the junction improvement requested at the Fiveways Roundabout.

With respect to the proposed medical centre, it is considered that the impacts as identified above would be outweighed by the community benefit that would result from a new medical centre.

It has been demonstrated that the proposed housing would be contrary to the prevailing policies of the Development Plan. Having regard to the previous appeal decisions on smaller housing schemes, the proposed housing would extend substantially beyond the confines of the village and impede open views into and out of the village with harm to heritage assets and the landscape (the extent of which cannot yet be fully identified) and the form and character of the village. This element of the proposal together with the new medical centre would result in significant impacts on the Woodford Road and Fiveways Junction which need to be mitigated and without which would have an unacceptable impacts on highway safety and severe impact on the road network.

Overall, it is recognised that the proposed housing would enable the delivery of a site and financial contribution towards the construction of new medical centre which if constructed would be of a benefit to the community. However, in the absence of details relating the scale, appearance, layout and landscape for the proposed medical centre there is limited certainty that the enabling development sought would deliver sufficient funds to construct a new medical centre that would both accommodate the existing and growing number of patients and improve the services that would be available for the existing patients. It has been concluded that the absence of details together with the harm identified and unmitigated impacts would not be outweighed by the public benefit in delivery of the site and financial contribution and thus public advantage would not be achieved by approving the current application.

### **Advice**

That the application should be refused for the following reasons;

### **REASONS**

- 1. The housing requirement for the Daventry rural areas, as set out in Policy S3 of the West Northamptonshire Joint Core Strategy Local Plan, has been met through planning permissions and the circumstances in which further housing development will be permitted, as set out in Policy R1, have not been demonstrated. The proposed development is therefore contrary to the spatial strategy, as set out in Policy S1, for the distribution of development, which proposes that development will be concentrated primarily in and adjoining the principal urban area of Northampton, with development of a lesser scale being located in and adjoining Daventry town and the development needs of the rural areas**

- being provided for, but with new development in rural areas being limited.
2. The development would result in harm to the form and character of the village, with unacceptable impacts on highway safety and severe impacts on the road network contrary to Development Plan policies GN1, GN2, HS22, HS24, R1 and C2, The absence of details to demonstrate the impacts of the proposal on designated and undesignated heritage assets and the landscape, together with the harm identified and unmitigated impacts would not be outweighed by the public benefit in delivery of a site and financial contribution for the construction of new medical centre and thus public advantage would not be achieved by approving the current application having regard to NPPF paragraphs 11 and 202.
  3. West Northants Joint Core Strategy (WNJCS) R1 (F) promotes sustainable development that equally addresses economic, social and environmental issues. This requirement is also endorsed by WNJCS policy SA Presumption in favour of sustainable development and echoes NPPF paragraphs 7 and 8. The proposal is unable to achieve economic, social and environmental gains in mutually supportive and interdependent ways and would therefore not secure sustainable development as defined by these policies.

#### **NOTES**

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

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

**Application**                      **DA/2019/0027**                      **Case Officer**                      **SUE BARNES**

**Parish**                                      **YELVERTOFT**

**Date Valid**                              **6 JUNE 2019**

**Location**                              **LAND OFF CRICKET FIELD LANE, YELVERTOFT,  
NORTHAMPTONSHIRE**

**Development**                      **DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS  
AND CONSTRUCTION OF NEW DWELLING**

**Applicant**                              **MR G KITCHENER**

**Recommendation – Approve**

**Members' Notes**

### **Summary**

The proposal is a new dwelling to replace a group of dilapidated barns on land abutting the confines of the village. The proposed design aims to replicate the height and scale of the existing buildings. Although the site is outside the confines of the village, it abuts the village and the proposed new house would replace existing buildings with a new building of similar form. Access would use the bridleway which is currently used by other existing properties off High Street and also for access to paddocks and the allotments in open countryside to the south. A neighbour and the Parish Council have made representations which include objections on the grounds of the impact on flooding. The Council's engineer does not consider that the proposed development would increase flooding in the locality

### **Consultations**

**Parish Council** – The Parish Council objects to this application on the following grounds:

It is outside the village boundary. The Settlements & Countryside Plan Part 2 shows a map and this application is outside of that for development.

Surface water drainage proposed is not adequate and will exacerbate the flooding within that area of Yelvertoft. With an active natural spring being situated there it has a very high water table and the ground is permanently waterlogged. The increased built environment has led to a speedier run off and brooks and culverts not being able

to cope. Yelvertoft is situated just to the west of the watershed and in times of heavy rainfall is an early victim of severe flooding.

The proposed sewerage package treatment plant would discharge the treated water out of the top and this is not acceptable with a spring on the land. The water would make its way to either the new culvert (which it could not enter), or the bridleway. 5 people can produce 40,000 gallons of water p.a. – where would this go? This would highly increase the flooding as the culvert will have to take all water. The new culvert will prevent excess surface water draining away from sewage.

The proposed access track is in fact a public footpath. The footpath is also a circular walk and cannot be blocked (which it would be on one side by the building);

The application states that it is not within 20m of a water course. Yes it is;

Please consult our Village Design Statement as it breaches several areas within that e.g. development outside village boundary, visual impact etc;

Daventry have exceeded their development already by 47% so this is not necessary;

Other applications near to this have been refused on grounds of increased prominence, type, scale etc and this application meets these too;

There is a lot of asbestos on the land so could result in contamination;

As its type, scale and design is not appropriate, the proposal is contrary to Daventry District Saved Policies GN2 and EN42 and to paragraph 58 of the National Planning Policy Framework.

**NCC Highways** - The Local Highway Authority would draw to the attention of the Local Planning Authority the condition of the surface of Cricket Field Lane (Crick Bridle Road). The lane is in quite poor condition with numerous potholes. The lane, whilst not public highway, provides access to a number of dwellings, agricultural buildings, the village allotment site and further to the canal. Consideration should be made for imposing a condition requiring the applicant to make good the section of land leading to the access for the proposed dwelling.

The applicant should be made aware of responsibilities in respect of Public Footpath FP8 and Public Bridleway FP9.

**Wildlife Trust** – The application has been submitted with a bat scoping survey which does not recommend any further survey work for bats. I would agree with this as the buildings are either open or in such a poor state of repair (collapsed roof, no windows etc) that they would be light and draughty with negligible potential to support roosting bats. A suitable condition relating to nesting birds is recommended.

**DDC Environmental Protection** – Recommends conditions requiring contamination investigations and possible remediation

**DDC Engineer** – The application is incorrect insofar as there is a watercourse within 20 metres of the curtilage of the development, namely one to the east of the so-called Crick Bridle Road. However in terms of flood risk the site has, to the best of my knowledge not been subject to any historical flooding (there has been flooding recorded further downstream in Wards Lane and Kirkhams Close).

The applicant proposes to use a soakaway to manage surface water and there is an insignificant increase in impermeable area resulting from the development so I have no concerns that the proposal is either at risk from flooding or will increase flood risk elsewhere.

**Neighbours** – One representation has been received following neighbour notification. The neighbour raises similar objections to the Parish Council. In particular that information in the application is inadequate to properly comment; the proposal is contrary to the Local Plan as the site is outside the village; the proposed development would set a precedent for other incremental development; there would be an adverse impact on the amenity and outlook of the nearest residential property; the bridleway is unsuitable for additional traffic; increased use of the bridleway would result in increased highway danger and pressure for additional parking on the bridleway; use of the track for access would cause nuisance from noise and dust; the existing buildings are attractive vernacular farm buildings, neglected, but capable of repair; the existing buildings allow views through the open structures; loss of an attractive ash tree on the site; there are currently no services to the site, in particular no foul sewage; the proposed soakaway would not work due to soil conditions locally and the proposed sewage treatment package would generate additional water run off; there is an existing problem with flooding on the bridleway which has been exacerbated by the development on the eastern side of the bridleway and works to the culvert; the loss of the existing buildings and their replacement by one unbroken length of building would alter the outlook from the village.

Site Notice – Expired – no further representations have been received

**Planning Policies** - National Planning Policy Framework (July 2018) Paragraphs 83 and 84

West Northamptonshire Joint Core Strategy (2014)

R2 Rural economy

Policies saved by Direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004

Saved Policies of Daventry District Local Plan (1997)

GN2A General;

EN42 Design;

HS24 Open countryside;

EN19 Conversion of rural buildings;

EN21 Conversion of traditional buildings;

TM2 Tourist development

National Planning Policy Framework (July 2018)

Paragraphs 83 and 84

Settlements and Countryside Draft Local Plan (Part 2)

Yelvertoft is identified as a Secondary Service Village (Policy RA2);

RA6 Open countryside

### **Relevant Planning History**

DR/1955/0012: Hay store – permitted development

DR/1956/0018: Cow shed – permitted development

### **Observations**

The site lies on the western side of Crick Bridle Way immediately to the south of the track running to the side of 90 High Street. Public footpath FP8 runs from Crick Road through the fields to the south of the village and emerges onto the track to join with the bridleway (FP9). The applicant has confirmed that he has a right of way over the track. The buildings on the site comprise a dilapidated brick barn with two internal floors, an open dutch barn and a pole barn with remnants of exterior metal cladding, arranged in a line adjacent to the track. The buildings are not considered to be capable of conversion without new structural works and the proposal is to replace the buildings with a new dwelling occupying the same site and with a similar footprint and height. Pre-application advice was sought.

The proposed new building would comprise a two storey living area on the site of the existing brick barn. This would have a semi basement kitchen/dining room, with living room above. The bedroom wing would replace the open structure, creating one double and four single bedrooms and three bathrooms. An entrance hall with glazed panels on both sides would link the living and bedroom areas, infilling an existing gap between the existing buildings. Access to the site would be via the Crick Bridleway and the access track, over which the applicant has a right of access. Open parking for three vehicles would be provided, with a modest sized garden area to the south of the dwelling. An ash tree adjacent to the brick barn would be removed.

The proposed design aims to replicate the overall height and form of the existing agricultural buildings, using brick for walls and slate for roofs. The floor and roof levels would step up with the land level and the two storey level of the house would be created by reducing the floor level to a semi-basement. The northern elevation which faces towards the side boundary of the adjacent residential property, 90 High Street, would have windows only into the hall (a non-habitable room) and rooflights to light the corridor and rear part of the living room. All windows to the main level living areas would be on the southern elevation, looking onto the adjacent agricultural land (owned by the applicant). The basement kitchen area would have two windows facing east onto the bridleway. The entrance area link would close the current gap between the buildings, currently occupied by the ash tree. Vegetation between the brick barn and the bridleway would be cleared for the new access and parking area, resulting in the new building being more prominent in views from the bridleway on leaving or entering the village.

The site is outside but abutting the confines of the village as identified in the Draft Part 2 Local Plan. Yelvertoft is identified as a secondary service village and emerging Policy RA2 requires that development should be located within the confines of the village and that development outside the confines of the village will only be acceptable in exceptional circumstances. Emerging policy RA6 (open countryside) allows for the re-use of redundant or disused buildings that lead to an enhancement to the immediate setting. The proposal would not re-use existing buildings, but would replace these with buildings of a similar form for a different use. The existing buildings are in a dilapidated state and currently in use for a low level of storage.

The occupier of the adjacent property considers that the existing buildings are attractive vernacular buildings. They are typical of many farm buildings of this age and have fallen into disrepair. The roof of the brick barn has partially collapsed and there is some damage to the walls, however it is still standing. The open dutch barn and pole barn are of flimsy construction. As the applicant wishes to construct a new building on the site he is not proposing to convert the buildings under Class Q

permitted development rights and it is considered that the condition of the open structures would not render them suitable for conversion. Arguably the buildings have the appearance of attractive vernacular rural buildings worthy of preservation, however their condition is poor and it is likely they will deteriorate further and lose any current charm.

The proposal to replace the buildings would create a building of more solid appearance, however improvement of the buildings for agricultural use could also result in buildings of greater solidity and increased use of the access track. Any existing views through the empty, open structures would be lost however these views are restricted to private views from private property and not protected. Public views from the bridleway are of the red brick barn only, screened by vegetation, with views from the west from the public footpath being of the end of the pole barn until the path emerges onto the track, when the footpath passes very close to the structures. The site for the proposed house is shown as being on the site of the existing buildings, so (post development) there would be no encroachment onto the footpath.

A new building would create a more urban appearance at the junction of the footpath with the bridleway, however three houses are being developed on the eastern side of the bridleway, which has resulted in a change to the historic appearance of the immediate locality. The site being developed for three houses also contained dilapidated agricultural buildings extends further south along the bridleway than the site of this application and was considered to be within the village confines.

The nearest residential property is 90 High Street, to the north of the track/footpath. This is a two storey house fronting the bridleway, with a two storey rear wing. There are ground and first floor windows facing south towards the site – the nearest, a first floor side facing window, is at a distance of approximately 10 metres. There is a current undetermined application for No 90, proposing a two storey side extension and also rear extensions and parking to the front of the house. The side extension would bring the side gable and side windows closer to the site. The proposed new dwelling would not create any overlooking of the adjacent property and although there may be some increase in shading as currently open areas of the buildings would be replaced with solid walls, it is considered that this would not be significant.

The Parish Council and the neighbour have commented that flooding would be increased by the development of a house on the site. The Council's Engineer does not consider that this would be the case. The Engineer has also advised that there is a public foul sewer in the bridleway. A connection to this sewer would avoid the need for a sewage treatment plant. Surface water could not be connected into this sewer and run off from the site would need to be directed to a soakaway within the site. The Parish Council and the neighbour also comment on the regular flooding along the bridleway. This is an existing situation and the Council's Engineer considers that the proposed development would not increase flooding elsewhere.

The proposal would not accord with adopted and emerging policy for infill development as the site is outside the confines of the village. However the site abuts the confines of the village and is currently occupied by buildings which, although having some degree of rural charm, are not considered to be worthy of retention or repair. Their removal and replacement with a dwelling of similar form could result in a local environmental improvement on the edge of the village. The proposed design would replicate the height and footprint of the existing buildings and although the occupier of the neighbouring property appreciates the modest and restricted views through the buildings, these views are only available from private land and are not considered to be part of an important view out of the village.

Financial considerations of the proposed new development also need to be considered. The proposed dwelling would attract a New Homes Bonus and is liable for the Community Infrastructure Levy (CIL). A self-build exemption has been claimed by the applicant. It is not considered that great weight should be attributed to these financial implications either for or against the proposal.

On balance it is considered that there is justification for allowing an exception to policy to allow the existing redundant buildings to be replaced by a single dwelling.

### **Advice**

That the application should be approved subject to the following conditions:

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with drawing GKPL01 Version 6 received on 1 May 2019.**
- 3. Prior to construction works above slab level, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 4. If during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority and implementation of any necessary remediation works has taken place and a closure report has been approved by the Local Planning Authority.**
- 5. The car parking area shall be laid out in accordance with the details shown on the approved plan and shall thereafter be retained for parking associated with the development and shall not be used for any other purpose.**
- 6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A, B, C, D, E, F, G and H of Part 1 and classes A, B, C, D, E, F, G, H and I of Part 14 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.**
- 7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no windows/dormer windows/, other than those expressly authorised by this permission, shall be constructed.**
- 8. The dwelling hereby permitted shall only be used as a single family dwelling and shall not be used for any other purpose within Class C3(b), C3(c) or C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).**

## **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure development is in accordance with the amended drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.**
- 3. From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.**
- 4. To ensure all contamination within the site is dealt with.**
- 5. To ensure adequate car parking provision.**
- 6. In the interests of the visual amenity of the area.**
- 7. To safeguard the amenities of adjacent occupiers and in the interests of the visual amenity of the area.**
- 8. To ensure the Local Planning Authority can reconsider any proposal to change the character of the use.**

## **NOTES**

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

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

- 2. The developer/owner of the buildings is advised to engage expert advice in order to ascertain whether there are any protected species (such as barn owls or any species of bat) present within the buildings to be demolished. If any such evidence is discovered during the permitted conversion works then work should cease and professional advice sought immediately, as it is a criminal offence to deliberately, intentionally or recklessly injure or kill prescribed protected species and./or their habitats/roosts. A licence from Natural England would be required in order to allow any intervention with protected species and./or their roosts.**
- 3. No removal of hedgerows, trees or shrubs or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.**

<b>Application</b>	<b>DA/2019/0579</b>	<b>Case Officer</b>	<b>ANNA LEE</b>
<b>Parish</b>	<b>STAVERTON</b>		
<b>Date Valid</b>	<b>5 AUGUST 2019</b>		
<b>Location</b>	<b>LAND OFF BRAUNSTON LANE, STAVERTON, NORTHAMPTONSHIRE</b>		
<b>Development</b>	<b>OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 15 DWELLINGS, ACCESS ROAD(S) AND OTHER ASSOCIATED INFRASTRUCTURE (WITH ALL MATTERS RESERVED).</b>		
<b>Applicant</b>	<b>MR J JACKSON-STOPS</b>		

**Recommendation – Approve**

**Members' Notes**

### **Summary**

The application seeks outline planning permission for the construction of 15 dwellings on the outskirts of Staverton village. All matters are reserved, including access, layout, landscaping and appearance. Although the proposal is for housing development beyond the village confines (as defined in the 1997 Local Plan and emerging Part 2 Plan), national and local planning policies sets out circumstances for allowing for development outside of the defined settlement confines and the proposal would accord with the criteria stated in respect of providing housing to meeting a locally identified need. Therefore, subject to the completion of a S106 which secures the required affordable housing, tenure mix and property types in-line with the HNS, then this should address the policy requirement and justify the exception for development outside the settlement confines and for providing further housing at a time when the housing requirement for rural areas has been reached.

The proposed dwellings would be positioned on an area of land which forms a transition between the open countryside and an open space situated on the outskirts of Staverton village and the proposal by introducing additional built development is likely to have a significant impact on the built form and character and setting of the village. However, the view could be taken that the identified harm would be outweighed by the housing benefits arising from the proposal. Furthermore, the existing houses on Braunston Lane and in the cul de sac opposite (Home Close) currently give the lane a sense of enclosure and a 'built-up' residential character. Mitigation could be secured by ensuring that the dwellings be sympathetically designed at the reserved matters stage, that appropriate external materials be conditioned and an appropriate scheme of landscaping be provided.

The Local Highway Authority does not oppose in principle to the proposed development being served off Braunston Lane and details of means of vehicular access, road layout and parking details are to be considered at the reserved matters.

Geophysical survey works have been carried out and no apparent archaeological issues have been identified at this stage, although the County Council Archaeologist has recommended that a condition be imposed to secure further archaeological investigation works and any mitigation that may be required.

As part of this outline planning application, the principle of providing up to 15 dwellings on the site is considered acceptable in relation to the character and appearance of the locality, Special Landscape Area, and local environment. No significant issues have been identified in terms of neighbour amenity, highway safety, crime and biodiversity.

Whilst the proposal would be in conflict with the 1997 Local Plan policies and elements of Policy R1 of the Joint Core Strategy which seek to restrict development in the open countryside, on balance, it is considered that the proposal accords in principle with the more up to date national and local planning policies which take precedence over the Local Plan, and hence it is considered that support should be given to the proposal. As the other outstanding planning matters can be considered in the reserved matters or be made acceptable with the recommended conditions and the completion of a S106 legal agreement to secure the required contributions, the application has been recommended for approval.

## **CONSULTATIONS**

**Staverton Parish Council Meeting**– Object to the application for the following reasons:

The proposed development is outside the confines of the village,  
The proposed development is an overdevelopment of the site.

Neighbours & other Representations (received in response to site notice displayed on 15.08.2019) – 3 Letters/ emails of objection received and the concerns/ comments are summarised and set out below:

The proposal would be contrary to planning policies which seek to protect the open countryside, i.e. Saved Policy HS24 of the Local Plan,

Staverton is a 'Restricted Infill Village' where development should be within the village confines,

Staverton village and the surrounding open countryside is within a Special Landscape Area, where the environmental qualities of the area should be protected, and therefore housing development is not appropriate,

The housing requirement in the rural areas of Daventry District has been exceeded,

Should planning permission be granted, there should be consideration for the type of houses. "The Village Survey requested affordable homes for the younger generation and bungalows for the older generation to downsize and free up family sized homes. The village does not need 4/5 bedroom size houses"; "...we would like to hope that affordable housing would be included",

Issues with infrastructure and the lack of facilities in the village,

Impact of construction traffic, the route taken by traffic and noise, “a preferred alternative *could be access via the private Manor Road*”,

Highway safety issues, “There is a well used playing field on Braunston Lane so there are a lot of children using the lane”,

Increase in traffic, “The previous suggestion of *houses in Braunston Lane for the Neighbourhood Plan was 5 houses. In reality this could mean up to 10 extra cars. By applying for 15 houses this could mean up to 30 more cars using Braunston Lane*”; “*nowhere in the report does it take account of how visitors to the Village Hall make access to and from Braunston Lane and Home Close difficult*”; “*As part of Section 6 of the general transport report the junction of Glebe Lane and Braunston Lane should be upgraded to a roundabout. Not only would this improve the traffic flow it would prevent the parking at the Junction of Glebe Lane and Braunston Lane that has been an on-going problem for many years. The speed limit would need reducing to 20 mph...*”; “*The site is at the end of a road of residential properties and already has problems with traffic which parks along the road when access is needed for the school and the village hall, neither of which has parking available for visitors*”;

The gas main for Home Close and Braunston Lane is beneath the path, and this would need increasing, require the path to be replaced,

Sewerage in Home Close/ Braunston Lane has always been an issue and the sewerage works outside the village would be under increased pressure,

*“The site could be moved to the back of the field and the hedge remain between the field and Braunston Lane. This would reduce light spill and maintain the environmental habitat for birds and animals”*,

**DDC Local Strategy Service (Housing & Planning Policy Team) –**

*“The application falls within the Council’s Core Strategy Policy H2 ‘Affordable Housing’, which states in Section 9 that on all housing development of five or more dwellings 40% should be provided as affordable housing in the rural areas of Daventry District. On a development of 15 dwellings, six affordable homes would normally be expected. This has been addressed in the application.*

Policy Ho4 of Daventry’s Housing SPD specifies a preferred housing tenure mix of two thirds rented and one third intermediate housing. In this case we would be expecting four affordable rented dwellings and two shared ownership.

The Staverton Housing Need Survey was undertaken in 2017. There was a need identified for *four affordable rented homes; two or three shared ownership/starter homes and nine or ten market homes.*

*The proposal identifies nine market dwellings and six affordable dwellings. This proposal is supported by the identified need in the housing needs survey. However in order to meet RA2 criteria B the proposed development should meet the dwelling size and tenure identified in the survey. The market dwellings should therefore conform to the following:*

3 x 2 bed house  
2 x 3 bed house  
2 x 2 bed bungalow

2 x 3 bed bungalow

Or any other mix evidenced in the 2017 housing needs survey.

*The housing needs survey should also be used to inform the mix of the affordable homes:*

Affordable rent

3 x 2 bed bungalow

1 x 2 bed house

Shared ownership/Starter home

1 x 2 bed house

1 x 3 bed house

The applicant has not provided a clear explanation of how they plan to meet the specific housing needs. More detail needs to be provided in this respect to ascertain whether the development would meet this part of the policy.

Focusing on policy HO8, this seeks to apply the nationally described space standard. Any dwellings would need to meet the minimum space standard...

Summary of Policy Advice: The proposal is for outline permission for a residential development of up to 15 units located outside of the existing confines of a secondary service village. Housing development is not supported in this location unless in exceptional circumstances, as set out in the NPPF and in the development plan. One of the exceptional circumstances is meeting an identified need.

The 2017 housing need survey identified the need for 16 dwellings in Staverton (This gives the identified need for 4 affordable properties, 2 shared ownership and 9/10 market homes). Although the proposal as submitted is for 15 market units, the applicant has indicated that 40% of units would be for affordable which would be policy compliant as it would meet the affordable need. With regard to Policy RA2 (Main Modifications), the applicant has not demonstrated in this application that there are no sites within the existing village confines that could be used for the proposal.

Careful consideration will need to be given to the scale of the proposal and whether it is appropriate for the size of settlement to satisfy criteria E of Policy R1 and criteria A of policy HS22. Similarly consideration would need to be given as to whether sufficient information has been provided to demonstrate exceptional circumstances to satisfy Criteria G of Policy R1 or criteria B of Policy HS22 and criteria A of RA2 due to its location outside of the existing confines. More information would also be required to demonstrate how the application is compliant with criteria i) environmental improvement and criteria ii) that it is required to support the retention of local services that are under threat. The proposal would also not be in accordance with HS24 as it would not meet the test set out for development in the open countryside. The application is considered to be policy compliant in terms of affordable housing (Core Strategy policy H2)

Taking the above considerations into account, it is not considered that the Local Strategy service could support the proposal in its current form and more information and detail is needed to demonstrate compliance with the existing and emerging development plan."

**DDC Environmental Protection** – Recommends that conditions be imposed to deal with unsuspected contamination, construction working hours; the submission of a construction management plan and a radon informative note.

**DDC Listed Building andr Conservation Officer** – “I have no specific heritage concerns, but I do feel that the likely design/landscape issues associated with construction of a residential development on this site have not been properly addressed in the application. ...Google screen shot shows that Braunston Lane in this location is a relatively narrow road with a pavement only on the west side. In order to accommodate the additional pavement that is shown on the site layout plan the existing hedgerow would almost certainly have to be removed and pushed back into the site. The applicant’s design and access statement gives the impression that the hedgerow would be retained and improved with only a small amount being removed to create the access.”

**Wildlife Trust (DDC Ecological Advisor)** – Is satisfied with the submitted Ecological Assessment; this concludes the biodiversity interest of the site to be limited. The hedgerows and trees to the south and east of the site have some value. Therefore, the Advisor recommends that the remaining hedgerows be retained and enhanced by planting up gaps and by creating a hedgerow along the western site boundary. In addition, the proposal should provide a net gain biodiversity in line with Paragraph 170 of the NPPF. A range of locally sourced native species should be used for the planting of hedgerows to provide foraging opportunities for wildlife and the proposals set out in Section 6 of the Ecological Appraisal shall be incorporated should the proposal progress. The submitted illustrative pond, if designed correctly and carried across to the reserved matters, would be another opportunity to enhance wildlife.

**Natural England** – Has no comments to make on this application.

**NCC Adviser on Developer Contributions** – Considers contributions to be required and the comments (from the Adviser’s comments dated 21.08.2019 and email received on 14.10.2019) have been summarised below:

Early Years contributions of £3,724 for each 2 bed dwelling, £3,972 for each 3 bed dwelling and £4,220 for each 4 or more bedroom dwelling,  
Primary Education contributions of £1, 614 for each 2 bed dwelling, £3,972 for each 3 bed dwelling, £4,592 for each 4 or more bedroom dwelling,  
Library contributions of £109 for each 1 bed dwelling, £176 for each 2 bed dwelling, £239 for each 3 bed dwelling, £270 for each 4 bed or more dwelling.

The NCC adviser originally expected additional secondary school places will be delivered through the Community Infrastructure Levy (CIL). However, after being advised that the CIL 123 list has been revealed as part of amendments issued to the CIL Regulations, the NCC Advisor has confirmed that “no S106 contributions would be required from this scheme, when considering the number of pupils expected to be generated and sufficient capacity in existing provision within the vicinity of the development” (email dated 14.10.2019),

The proposal may require up to 1 new fire hydrant to be installed, and if required, the location of the hydrants must be agreed with the Northamptonshire Fire and Rescue Service Water Officer prior to installation and secured through a planning condition, NCC is unable to confirm if an Early Years contribution would be required at the time of preparing this report as they are currently updating the relevant capacity evidence base.

**NCC Local Highway Authority (LHA)** – To summarise, the Local Highway Authority has not objected in principle to the proposed development, but has made a number

of observations and requests in response to the submitted schematic/ illustrative layout drawing, in relation to the design of the road junction, road layout and shared driveway (shown to serve 3 dwellings). The comments are summarised and set out below:

The road junction should be spaced 20 metres clear from Home Close, the spacing is currently shown at 17 metres,

The shared driveway serving the 3 dwellings accessed directly from Braunston Lane is required to be a standard vehicular cross-over,

Whilst this is an outline application with all matters reserved, the applicant should be aware of the following requirements which will need to be agreed at the reserved matters stage:

The adoptable section of the highway within the development requires a 5.5 metre wide carriageway with 2.0 metre wide footpaths, and tracking details would be required to show that access and turning could be provided for a four axle refuse vehicle against a large car,

The provision of pedestrian facilities to enable pedestrians from the site to connect with the existing footpaths on Braunston Lane,

The shared driveway serving the dwellings with pedestrian and inter-vehicular visibility splays on both sides,

Parking provision for the site must conform to NCC adopted Parking Standards

In addition, the applicant should be made of aware of their responsibilities in respect of the public right of way (Public Bridleway FD2), including any diversion orders which may be required. The LHA has also recommended a condition to require details of any works affecting the existing public right of way to be submitted for approval.

**NCC Lead Local Flood Authority (LLFA)** – After having reviewed the submitted surface water drainage information, the LLFA would advise that providing planning conditions be imposed to manage the final drainage details, the impacts of surface water drainage will be adequately addressed.

**NCC Archaeological Advisor** – In her most recent comments dated 5.12.2019 recommends that a condition be imposed to require a programme of archaeological work comprising of trial trenching in the first instance be submitted and to secure any mitigation which may be required (see main report for full details).

Environment Agency (EA) – Initially raised an objection on the basis that a full drainage report did not seem to be available to demonstrate that the proposed development would not pose an unacceptable risk of pollution to surface water quality. The EA later withdrew their objection (in a letter dated 16.09.2019), after having been supplied with a copy of the submitted drainage report and advises that the applicant should consider providing a management plan for pollution prevention and mitigation during construction.

**Severn Trent Water Ltd** – Recommends that conditions be imposed to require surface water and foul drainage details be submitted.

**Crime Prevention Design Adviser** – Should planning permission be granted, the doors and window of the houses should comply with Building Regulations and British Standards. “Most of the houses back into open ground so that rear fence lines are vulnerable. A trellis topping should be provided to all rear fence lines to reduce the opportunities for climbing. The same should apply where the houses have exposed backs in the middle of the site. Back to back layouts reduce opportunities for crime and are preferred. Car parking should be visible from within ground floor routinely

occupied rooms so where appropriate a window set into the gable end of the house should be provided”.

**Northamptonshire Fire & Rescue Service (Water Officer)** – Advises that an additional hydrant would be required for the development.

**PLANNING POLICIES Adopted West Northamptonshire Joint Core Strategy (JCS, 2014):**

Policy SA	Presumption in Favour of Sustainable Development
Policy S1	The Distribution of Development
Policy S3	Scale and Distribution of Housing Development
Policy S10	Sustainable Development Principles
Policy R1	Spatial Strategy for the Rural Areas
Policy BN2	Biodiversity
Policy BN5	The Historic Environment and Landscape
Policy BN7	Flood Risk
Policy BN9	Planning for Pollution Control
Policy RC1	Delivering Community Regeneration
Policy RC2	Community Needs
Policy INF1	Approach to Infrastructure Delivery
Policy INF2	Contributions to Infrastructure Requirements

**Policies saved by Direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004:**

**Daventry District Local Plan (Local Plan, 1997):**

GN1	General
GN2	General
EN1	Special Landscape Areas
EN42	Design of Development
HS22	Restricted Infill Village
HS24	Open Countryside
RC1	Provision of Open Space in New Developments

**National Planning Policy Framework (NPPF, 2019):**

Part 2	Achieving Sustainable Development
Part 4	Decision Making
Part 5	Delivering a Sufficient Supply of Homes
Part 6	Building a Strong Competitive Economy
Part 8	Promoting Healthy & Safe Communities
Part 11	Making Effective Use of Land
Part 12	Achieving Well-Designed Places
Part 14	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Part 15	Conserving & Enhancing the Natural Environment
Part 16	Conserving & Enhancing the Historic Environment

**Settlements & Countryside Local Plan (Part 2 Plan) for Daventry District, Submission Version (2018/ 2019)**

SP1	Daventry District Spatial Strategy
RA2	Secondary Service Villages
RA6	Open Countryside
ENV1	Landscape
ENV7	Historic Environment

ENV5	Biodiversity
ENV10	Design
ENV11	Local Flood Risk Management
HO8	Housing Mix & Type
CW1	Health & Wellbeing
CW2	Open Space Requirements

DDC Supplementary Planning Documents:

Biodiversity Supplementary Planning Document (2017)  
Housing Supplementary Planning Document (2017)  
Infrastructure and Developer Contributions Supplementary Planning Document (2013)  
Planning Out Crime in Northamptonshire (2004)  
Other Documents:

Staverton Parish Housing Survey (2017)

National Planning Practice Guidance 2014 (NPPG, Updated 2018)  
Technical Housing Standards – Nationally Described Space Standard 2015  
Northamptonshire Parking Standards 2016  
Local Highway Authority Standing Advice 2016  
Planning Obligations and Local Education Authority Schools Provision (2015)

### **RELEVANT PLANNING HISTORY**

There is no planning history for this site. Pre-application discussions are encouraged by the NPPF (Paragraphs 39 to 42) and Section 14 of the submitted planning application forms advise that no assistance or prior advice has been sought from the Local Planning Authority about this application.

### **OBSERVATIONS**

Site: The application site measures approximately 0.8 hectares in area and lies on the northern side of Staverton village, to the west of Braunston Lane and immediately opposite Home Close. The site comprises of a paddock enclosed by hedgerows/trees and accommodates a small stable block. The southern boundary of the site abuts onto the village playground/ open space and the land to the north is in agricultural use. Braunston Lane narrows down to a single lane to the north and is a public bridleway. Staverton has a designated conservation area and the proposal site is situated some 80 metres away from the conservation area. The nearest listed building is The Croft, located some 90 metres to the south.

**Proposal:** The application seeks outline planning permission for residential development of up to 15 dwellings, access road(s) and other associated infrastructure, with all matters, including access, scale, landscaping and appearance of the development, reserved for consideration.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004, replacing Section 54A of the Town and Country Planning Act 1990, requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy S1 (A) (B) (C) of the adopted 2014 West Northamptonshire Joint Core Strategy seeks to distribute development and economic activity to the main towns, yet the development needs of the rural service centres and the rural areas will also

be provided for (C). Policy S1 (D1) of the adopted West Northamptonshire Joint Core Strategy states that new development in the rural areas “will be limited” with the emphasis being on a list of factors, including 1) enhancing and maintaining the distinctive character and vitality of rural communities.

Policy S3 of the adopted Joint Core Strategy sets out that the rural areas will be the focus for about 2,360 dwellings to 2029. Policy R1 relates to the provision of housing in rural areas and is of particular relevance to this proposal. The policy states that once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted in the circumstances set out by criteria i) to v). As of January 2016, the rural requirement for Daventry District as set out in Policy S3 has been met, and as a consequence, the ‘third’ part of policy R1 is engaged, namely criteria i) to v). The policy requires proposals to demonstrate that either criteria i) or ii) be met before demonstrating compliance with criteria iii) to v). With regard to criteria i), the proposal would not result in environmental improvements on a site i.e. which includes the re-use of Previously Developed Land (PDL). The proposed development would be located in a paddock between an agricultural field and public open space, which could be regarded as greenfield land forming part of the open countryside. By introducing housing development in the proposed location on the outskirts of the village is likely to lead to a degree of harm on the character and setting of the village, however, the identified harm on the local environment would need to be weighed against the benefits.

Criteria ii) of Policy R1 requires development to support the retention of or improvement to essential local services that may be under threat (in particular local primary school or primary health services). However, no evidence has been put forward to establish that there are any essential local services under threat that would need to be supported by the proposal. In any event, the proposed development is unlikely to be sufficient to support the retention of or improvement of such services, due to the limited scale and nature of the proposal; although it is still likely to make some contribution towards sustaining the existing local services, albeit limited.

With regard to criteria iii) to v), it does not appear that the proposal has been informed by an effective community involvement exercise, and neither is the site an identified rural exceptions site which meets the criteria set out in Policy H3 of the Joint Core Strategy. The submission Staverton Neighbourhood Plan 2018 cannot be afforded weight as the Plan failed referendum in July 2019. In any event, the application site has not been allocated for development in the Neighbourhood Plan and has not been “agreed through an adopted neighbourhood plan”. Whilst the proposal does not appear to accord with criteria i) to v) of Policy R1, the Policy also states that “*Development outside the existing confines will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy*”. A Housing Need Survey was carried out for Staverton village in 2017 (‘Staverton Parish Housing Survey’) and this identified the need for 16 dwellings in the village, comprising of 6 affordable properties and 9/10 market properties. Therefore, the submitted proposal for 15 residential dwellings could be considered to address an identified local housing need and hence satisfy the exceptional circumstance(s) set out by Policy R1 of the adopted Joint Core Strategy, in addition to other national and local planning policies.

Policy R1 of the adopted Joint Core Strategy sets out that development within the rural areas will be guided by a rural settlement hierarchy in the Part 2 Plans. Amongst the hierarchy of settlements set out within the submission Settlements &

Countryside Part 2 Plan (which was examined in June 2019), Staverton is identified as a 'Secondary Service Village' with "a more limited range of services, but still provide scope to meet some local needs for housing, employment and service provision" (Part 2 Plan, 5.2.01). Policy RA2 requires (A) development to be located within the confines of the village and to ensure that the role of Secondary Service Villages (SSV) be maintained all development would need to meet the criteria set out by Part C of the policy. For development within or outside settlement confines, Part C of Policy RA2 requires development to i) be of an appropriate scale relative to its role as a SSV and iii) "*protect the form, character and setting of the village and areas of historic or environmental importance*"; iv) "*protect the integrity of garden and open land that makes an important contribution to the form, character and setting of the settlement*"; and vii) "*protect the amenity of existing residents*".

The application site lies outside of the village confines, as defined by the settlement boundary maps in the emerging Part 2 Plan and adopted 1997 Local Plan. Policy SP1 (E) of the Part 2 Plan seeks to protect and enhance existing services and facilities within the district's villages "*through allowing development to meet their identified housing needs*", in-line with Paragraph 77 of the NPPF which requires planning policies and decisions to be responsive to local circumstances and support housing developments that "reflect local needs" in rural areas. Criteria B of Policy RA2 sets out the circumstances for allowing development outside of the defined settlement confines and provision is made where i) the housing land supply is less than five years (or 3 years where a neighbourhood plan is in place); or ii) "*the development provided would clearly meet an identified local need, for housing*" which is identified through an up to date housing need survey or Housing Needs Assessment "*where it is demonstrated that this could not otherwise be met within the defined village confines*"; or iii) where a scheme is required to support an essential local service that is demonstrated to be under threat; or iv) the proposal is for economic development that will enhance or maintain the vitality or sustainability of the Secondary Service Village or local economy. The proposed development complies with criteria ii) of Policy RA2 B) as the proposal meets an identified local need for housing as identified by the 2017 Staverton Housing Need Survey, and therefore, the proposal would meet one of the exceptional circumstances in the Part 2 Plan for allowing development beyond the village confines.

Although the agent/ applicant has not provided substantive information/ evidence to demonstrate that the proposal could not otherwise be met within the defined village confines, it does not appear that there are any sites suitable to accommodate the scale of the development proposed within the village confines. This is due to the village boundary line being tightly drawn around the settlement, the general limited windfall sites available and the conservation area boundary being located within/ close to any such sites, which adds to the constraints for potential future development within the settlement confines. Furthermore, a 'Staverton Neighbourhood Plan Development Plan Site Assessment Statement 09/11/2017' was commissioned as part of the evidence based studies for the Staverton Neighbourhood Plan. Whilst the document holds no weight in planning policy terms, the study nevertheless shows that out of the 6 sites around the village identified as potential sites for delivering the housing need identified by the Housing Need Survey, the current application site on Braunston Lane and another site "Next to the School" were the two sites which the Neighbourhood Development Plan Committee voted to include in the plan (although the Braunston Lane site was only put forward for a smaller development of 5 houses at the time). As no other sites have come forward with the benefit of planning permission to meet the need identified by the 2017 Housing Need Survey, the Council can give consideration to the sites which come forward in terms of their suitability for meeting local housing need.

For development in the open countryside, and consistent with Paragraphs 79 and 170 b) of the NPPF, Policy RA6 of the Part 2 Plan recognises the intrinsic character, beauty and tranquillity of the open countryside and the policy sets out that only certain forms of development will be supported in the open countryside outside of the confines of villages (criteria i to xii). The proposal complies with criteria xi) as it would accord with the provisions set out by Policy RA2 in terms of meeting an identified housing need.

Staverton is defined as a 'Restricted Infill Village' in the 1997 Local Plan and Saved Policy HS22 of the Local Plan states that planning permission will be granted for residential development provided (A) it is on a small scale (B) within the confines of the village, (C) does not affect open land which is of particular significance to the form and character of the village or (D) is for the renovation or conversion of existing buildings for residential purposes. The site is outside the village confines and in a location which forms a transition between the surrounding open countryside and an area of public open space which lie on the outskirts of the village. As such, it is likely to have a significant impact on the built form and character of the village. In addition, the proposal is for new build and not for conversion of existing buildings to residential. Therefore, the proposal does not accord with Saved Policy HS22 of the Local Plan. However, the requirements of Saved Policy HS22 will need to be considered together with the other more up to date policies in the adopted Joint Core Strategy and emerging Part 2 Plan, and an application should not be solely refused for failing to comply with these policies. The same applies to Saved Policy HS24 of the Local Plan, which states that planning permission will not be granted for residential development in the open countryside other than for conversions for agricultural purposes or replacement dwellings.

Finally, the National Planning Policy Framework 2019 (NPPF) advises that "*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs*" (Paragraph 77) and to "*promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural areas*" (Paragraph 78). National guidance also advises that planning policies and decisions should promote effective use of land in meeting the need for homes (Section 11, Paragraph 117), and "*planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining the area's prevailing character and setting...*", (Paragraph 122 d).

Overall, whilst the proposal would be in conflict with the 1997 Local Plan saved policies which seek to restrict development in the open countryside and elements of Policy R1 (criteria i to v) of the adopted Joint Core Strategy, on balance, it is considered that the proposal accords in principle with the more up to date national and local planning policies which take precedence over the Local Plan and the principle of residential development on the site is acceptable providing other material planning considerations are satisfied.

The material planning considerations relevant to this proposal are discussed in turn below:

Developer Contributions and S106 Matters

Should the Council be minded to grant planning permission to the proposal, the following developer contributions would need to be secured by a Section 106 legal agreement in-line with the Councils' adopted Infrastructure and Developer Contributions SPD (2013), Housing SPD (2017) and other development plan policies:

Affordable Housing and Other Requirements – Policy H2 of the Joint Core Strategy sets out the requirement that on all housing development of five or more dwellings in the rural areas of Daventry District 40% affordable housing should be provided. Therefore, on a development of 15 dwellings, 6 affordable homes would normally be required. The Staverton Housing Need Survey identified the need for 4 affordable rented homes, 2 or 3 shared ownership/starter homes and 9 or 10 market homes.

The proposal, in effect, would provide nine market dwellings and six affordable dwellings in accordance with the need identified in the housing needs survey. A S106 legal agreement would need to be entered into secure the delivery of the affordable housing and market housing in-line with the tenure and property types identified in the 2017 Housing Need Survey (or any subsequent updated replacement survey) in addition to Policy Ho4 of the Daventry's Housing SPD in respect of the proportion of rented and intermediate housing tenure. Providing such a legal agreement is entered into, this would ensure that the proposal is delivered in accordance with national and local planning policy and hence justify development in the open countryside beyond the village confines.

Education – The NCC Adviser for Developer Contributions has advised that the proposed development would be served by Staverton Church of England Primary School which has been operating at full capacity from April 2019 and it is forecasted that high levels of demand for places at the school will continue. Therefore, Primary Education contributions of £1, 614 for each 2 bed dwelling, £3,972 for each 3 bed dwelling, £4,592 for each 4 or more bedroom dwelling, would be required.

NCC has also advised that Early Years contributions would be required towards the provision of additional Early Years entitlement places in relation to the development, "At present, there are 14 providers operating in the children's area serving Staverton, with the number of places available insufficient to meet current demand by approximately 10%. Additional housing development will therefore likely exacerbate this position, along with a recent rise in the birth rate in Daventry projected to continue based on current forecasts". Therefore, Early Years contributions of £3,724 for each 2 bed dwelling, £3,972 for each 3 bed dwelling and £4,220 for each 4 or more bedroom dwelling, would be required.

There is no requirement for secondary education contributions.

Libraries – Library contributions of £109 for each 1 bed dwelling, £176 for each 2 bed dwelling, £239 for each 3 bed dwelling, £270 for each 4 bed or more dwelling. The contributions will go towards the expansion and/ or improvements to the library provision serving the development and a specific scheme will be confirmed by NCC prior to any legal agreement being finalised.

Open Space – Due to the scale of the proposal, it is not considered that formal on-site open space provision would be required. Furthermore, the future occupiers would have access to the adjacent play area, open spaces and the immediate open countryside. It is considered that provision of other open space types i.e. playing fields, allotments, could not be reasonably justified in light of the scale and nature of the proposal. However, an off-site contribution of £1717.33 per dwelling would be required towards the provision and enhancement of the existing open spaces. Saved Policy RC1 of the Local Plan states that planning permission for residential development will normally be granted provided provision is made for informal public open space at a standard of at least 10% of the development and such informal space can be secured as part of the layout of the development in the reserved matters.

Landscape Visual Impact and Character and Appearance (Including Impact on Special Landscape Area, Setting of Conservation Area and Impact on Hedgerows):

The proposed dwellings would be positioned on an area of land which forms a transition between the surrounding open countryside and an area of open space situated on the outskirts of the village. The proposal would introduce additional built development which would protrude into the open landscape and have a significant impact on the built-form, character and setting of the village. However, it is not considered that the proposal would harm the character and appearance of the lane, as the existing two storey houses on Braunston Lane and in the cul de sac opposite on Home Close already provide the lane with a sense of enclosure and a residentially 'built-up' character. Furthermore, providing the dwellings be sympathetically designed/ scaled at the reserved matters stage and appropriate landscaping and materials be used, it is considered that the visual impact of residential development on the site, could be minimised on the wider landscape and Braunston Lane, and be integrated in with the surrounding area.

Whilst noting the Parish Council's concerns about overdevelopment, the submitted illustrative layout plan demonstrates that 15 dwellings could be comfortably accommodated with sufficient gardens on the site without appearing cramped and the proposed housing density would be visually comparable to the existing residential development on Braunston Lane and Home Close.

The Council's conservation team has been consulted on this proposal and no specific heritage concerns have been raised in respect of the impact of the proposals on the character and setting of the conservation area and setting of the nearest listed buildings. The Conservation Officer, does not feel that the design and landscape issues associated with the construction of residential development on the site have been properly addressed and there are concerns at this stage that the provisions of new footways along the frontage of the site would likely to lead to the removal of the hedgerows facing Braunston Lane. The provision of footways along the frontage of the site is likely to be necessary in order to facilitate pedestrian movement and should this involve the removal of the existing hedgerow(s) bordering Braunston Lane, then a scheme of suitable replanting would be necessary. Issues concerning the replacement/ retention of the existing hedgerows are matters to be considered as part of the landscaping, together with the proposed access and layout of the development, and these are matters to be explored further at the reserved matters stage. Moreover, any submitted reserved matters should seek to retain and re-enforce the other hedgerows located around the site boundaries and a new hedge should be planted along the western boundary, to ensure that suitable boundary treatment be provided for the development and in the interest of conserving the character and setting of the village.

### **Archaeology**

The Archaeological Advisor in her initial comments dated 21.08.2019 considered the site to have potential for pre-historic settlement or funerary activity, and requested further archaeological investigation in advance of determination in accordance with Paragraph 189 of the NPPF. A geophysical survey was subsequently carried out and the results indicate that there are no probable prehistoric features on the site to be affected by the proposed development. However, as there is the possibility that some slighter remains may be masked by the visible geophysics responses, the County Council Archaeologist has recommended that a condition be imposed to secure further archaeological investigation works, which requires trial trenching works in the first instance and then followed by mitigation should this be required. Paragraph 199

of the NPPF requires features of archaeological interest be properly examined and recorded, and therefore, a condition has been recommended to secure further archaeological investigation and recording in accordance with the NPPF and the Archaeological Advisors recommendations.

### **Neighbour Amenity**

The submitted illustrative layout plan demonstrates that 15 dwellings could be accommodated on the site without leading to undue harm on neighbouring properties in terms of overbearing, overshadowing and overlooking, as the proposed development would be located some distance away from the nearest residential properties on Home Close. The full impacts are to be assessed as part of the reserved matters where details of the precise scale, siting, height and design of the proposed dwellings are known. Any impact from traffic, noise, odour, associated with the construction phase of the development would be for a temporary period only and would be insufficient to justify refusal of this outline planning application. However, in order to safeguard local and residential amenity, a condition is recommended to manage the construction working hours and to ensure that a construction management plan be submitted prior to commencement of development.

The submitted layout plan also demonstrates that there would be sufficient room on the site to provide 15 residential units of a reasonable size and with sufficient outdoor amenity areas for the future occupiers – although the precise details are to be considered at the reserved matters. To ensure that reasonable living accommodation areas would be provided for the future occupiers, the proposed dwelling would also need to satisfy the National Space Standards (NSS) 2015 as a minimum, and as required by Policy HO8 C iii) of the Part 2 Plan.

### **Highway Impact**

Saved Policy GN2 of the 1997 Local Plan seeks to ensure that development “*has satisfactory means of access and has sufficient parking facilities*” (B) and “*will not have an adverse impact on the road network*” (C). Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

Although access is reserved for consideration as part of the reserved matters, it would seem that there is only one means of access possible and that would be from Braunston Lane. Furthermore, the submitted illustrative layout plan indicates that a vehicular access road would be provided to serve the proposal from the Lane. The Local Highway Authority has been consulted on this planning application and no objection has been raised in principle to the proposed development being served off Braunston Lane, including the associated traffic levels. Whilst the proposal for 15 new residential units would intensify usage of the lane, it is not considered that the increase in traffic numbers would lead to significant highway safety issues. Full details of means of vehicular access, road layout and parking details are matters to be considered in the reserved matters. As adequate off-road parking could be provided on-site to serve the development, it is not considered that the proposal would lead to overspill parking onto Braunston Lane or the other local village roads.

A condition has been recommended to secure the provision of a footway along the frontage of the site to enable pedestrians from the site to connect with the existing footpaths on Braunston Lane and that the details be submitted as part of the layout at the reserved matters stage, in accordance with the Highway Officer’s recommendations.

The submitted Transport Statement (TS) makes references to off-site works being carried out. The LHA has been contacted to seek their views on whether the works referenced in the TS would be necessary and the LHA has advised that the only required works would be the footway improvement works along Braunston Lane, along the frontage of the site and up to the pavement area in front of the public play area.

The Public Rights of Way (adopted bridleway no. FD2) lies to the north of the application site and at the end of Braunston Lane. It is not anticipated that the provision of a pedestrian footway(s) along the frontage of the site would have a direct impact on the bridleway, however, a condition is recommended to make provision for any works that may be required/ transpires during the reserved matters, in accordance with the LHA's request.

### **Wildlife/ Ecological Impact**

The application is accompanied by an Ecological Assessment and this concludes the biodiversity interest of the site to be limited. The hedgerows and trees to the south and east of the site have been recognised to have some value and the Council's Ecological Advisor recommends that the remaining hedgerows be retained and enhanced by planting up gaps and by creating a hedgerow along the western site boundary. Therefore, in the interest of ecological mitigation and enhancement and to ensure the proposal provides net gain biodiversity in-line with Paragraph 170 of the NPPF, conditions are recommended to secure a suitable landscaping scheme for the site at the reserved matters. This shall include a scheme which seeks to secure the retention of the existing hedgerows where possible and a scheme of planting/ re-planting which utilises native species, in-line with the recommendations of the Council's Ecological Advisor.

Due to the scale and nature of the proposal and the characteristics of the site, it is not considered that there would be significant ecological issues arising from this proposal or that would justify the submission of further ecological information. As for any development, it would be the developer's responsibility to ensure that any permitted development be carried out without affecting wildlife/ protected species if found during development.

### **Flood Risk/ Drainage**

The site lies within Flood Zone 1 and has a low probability of flooding according to the Environment Agency maps. The local water company Severn Trent Waters Ltd has been consulted on this outline planning application and no significant issues relating to capacity have been raised. The application is accompanied by a Drainage Strategy Report and this information has been assessed by the Lead Local Flood Authority (LLFA). The LLFA has recommended that surface water drainage conditions be imposed to ensure that the impacts of surface water drainage be adequately addressed. Therefore, in the event that planning permission be granted, conditions are recommended to manage surface water and foul drainage. As for any development, it is the responsibility of the developer to ensure that satisfactory measures be put in place.

### **Crime & Disorder**

The proposal for residential development in the location proposed does not raise any significant crime issues, as whilst the proposal would be located on the northern end of the village, the site would be located close to existing residential development and

hence would not be isolated. The Crime Prevention Design Adviser has made some observation regarding the layout of the houses and has suggested that measures be incorporated to improve the security of the houses and gardens, and to ensure that the houses be designed to provide surveillance to car parking and other vulnerable areas. These are matters to be considered in more detail at the reserved matters stage.

### **Other Issues**

***Housing Mix, House Types and Conforming to National Space Standards*** – The precise mix of housing, types of properties and sizes, are matters to be considered at the reserved matters stage.

***Protection for Trees/ Hedgerows*** – The site comprises mainly of grassed paddocks, where most trees/ hedgerows lie around the north, south and eastern perimeter of the site amongst the hedgerows. Subject to appropriate tree/ hedgerow protection be provided and secured by way of condition as part of the reserved matters, the proposed development could be carried out without leading to undue harm to existing trees/ hedgerows.

***Community Infrastructure Levy CIL*** – The Council has adopted CIL and the proposal for the construction of 15 new build residential units would be liable for CIL at the reserved matters stage, should outline planning permission be granted.

***Fire Hydrant*** – Northamptonshire Fire & Rescue Services have been consulted on this proposal and they have confirmed that one fire hydrant would be required to serve the development. The details, including the location of the hydrant, could be secured by way of a planning condition.

***Gas Main and Other Infrastructure Issues*** – As for any development, it is the responsibility of the developer to ensure that satisfactory infrastructure be put in place.

***“The site could be moved to the back of the field and the hedge remain between the field and Braunston Lane”*** – The Council is required to consider the acceptability of the proposals as submitted.

### **CONCLUSIONS/ SUMMARY**

Whilst the proposal would be in conflict with the 1997 Local Plan saved policies and elements of Policy R1 of the Joint Core Strategy which seek to restrict development in the open countryside, on balance, it is considered that the proposal accords in principle with the more up to date national and local planning policies which take precedence over the Local Plan, and hence the proposal should be supported. In addition, due to the fact that a S106 could be entered into for securing the required affordable housing, tenure mix and property types in-line with the HNS, then this should address the policy requirement and justify the exception for development outside the settlement confines and for providing further housing at a time when the rural housing requirement has been reached. Policy R1 Part 3 Criteria i) requires environmental improvements. Whilst a degree of harm has been identified on the local environment, the harm would need to be weighed against the benefits of the proposal. As the proposal would lead to housing delivery to meet local needs, it is considered that the environmental harm would be outweighed/ offset by the benefits on this occasion.

As part of this outline planning application, the principle of providing up to 15 dwellings on the site is considered acceptable in relation to the character and appearance of the locality, Special Landscape Area, and local environment. No significant issues have been identified in terms of neighbour amenity, highway safety, archaeology, crime and biodiversity. Full details of the proposal can be considered in the reserved matters or be made acceptable with the recommended conditions and

the completion of a S106 legal agreement to secure contributions for the development.

## **RECOMMENDATION**

Subject to the completion of a S106 Legal Agreement to secure contributions for the development the application be **approved** subject to the imposition of the following conditions:-

## **CONDITIONS**

1. **Approval of details of access, layout, scale, external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**
2. **An application for approval of reserved matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.**
3. **The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.**
4. **This outline planning permission confers consent for up to 15 dwellings inside the red line area identified on the submitted Location Plan (Land Registry Title Plan, with title number NN270131), registered valid by the Local Planning Authority on 5 August 2019.**
5. **The details to be submitted for the reserved matters (as part of condition numbers 1 and 2 above for landscaping) shall include a scheme to secure the retention and improvement to existing boundary hedgerows or for their replacement. The submitted scheme shall include the retention of the on-site and off-site hedgerows along the south and northern boundaries and the provision of a new hedgerow along the western boundary of the site, and the submitted planting scheme shall include a range of local native species.**
6. **The details to be submitted for the reserved matters (as part of condition numbers 1 and 2 above for landscaping) shall include a full tree/ hedge survey and arboricultural report and include tree protection details for the trees/ hedgerows on and adjacent to the site. Tree/ hedgerow protection shall thereafter be provided in accordance with the details so approved and shall remain in place for the duration of the construction works and until all equipment, machinery and surplus materials have been removed from the site.**
7. **No development shall commence until the applicant/ developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The submitted written scheme of investigation shall include the following components:**
  - i) **Fieldwork in accordance with the agreed written scheme of investigation,**
  - ii) **Post-excavation assessment, to be submitted within six months of completion of the fieldwork unless otherwise agreed in writing by the Local Planning Authority,**
  - iii) **Completion of post-excavation analysis, preparation of site**

archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing by the Local Planning Authority.

8. Prior to commencement of development, a Construction Management Plan, shall be submitted and approved in writing by the Local Planning Authority which includes the following details:
  - i) details of the routing agreement for HGVs, including directional signage for all vehicular construction and delivery traffic to and from the site,
  - ii) details for on-site parking and turning for contractors and HGVs,
  - iii) details of wheel washing facilities and precautions undertaken to prevent the deposit of mud and other debris from vehicles leaving the site onto the public highway,
  - iv) details of a scheme of dust management,
  - v) details of a scheme for the management of noise and vibration for piling and construction works,
  - vi) details of any temporary lighting, including the type, number, location, illumination details and hours of use,
  - vii) details of the security arrangements for the site during construction, including details of temporary fencing;
  - viii) details of the monitoring arrangements, and
  - ix) There shall be no high frequency audible reversing alarms used on the site.

The Construction Management Plan shall thereafter be implemented in accordance with the details so approved and the approved measures shall remain in place for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority.
9. No construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on site outside of the hours of 08:00 and 18:00 Mondays to Fridays, and 08:30 and 13:00 on Saturdays, and at no times on Sundays and Bank Holidays.
10. As part of the details to be submitted for the reserved matters for the development in whole or in phase(s) as part of condition numbers 1 and 2 above for layout, access, scale, external appearance of the buildings, the reserved matters submission shall be accompanied by an updated Flood Risk Assessment with full drainage details and plans, and shall include reference to and be in accordance with the principles set out in the Braunston Lane Staverton Daventry Drainage Strategy ref 12179 - Drainage Strategy-01 dated 2nd August 2019 prepared by Waterco for outline permission DA/2019/0579. Development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
11. Prior to commencement of development, full details of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The details of the scheme shall include:
  - i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures,

- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations,
  - iii) Cross sections of control chambers and flow control manufactures hydraulic curves,
  - iv) BRE365 Infiltration test results.
12. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Braunston Lane, Staverton, Daventry Drainage Strategy ref 12179-Drainage Strategy-01 dated 2nd August 2019 prepared by Waterco and other details agreed by conditions 10 and 11 of this planning permission has been submitted by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details to be submitted shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary),
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) Confirmation that the system is free from defects, damage and foreign objects
13. No occupation shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and maintenance shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include details of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system; the maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site, considered for the lifetime of the development, and a maintenance schedule setting out the assets that need to be maintained, the intervals and the methods used including details of expected design life of all assets with a schedule of when replacement assets may be required. A maintenance schedule shall be accompanied by a site plan to include access points, maintenance access easements and outfalls.
14. Notwithstanding the submitted details and prior to commencement of the development, full details of a foul drainage scheme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Foul drainage shall thereafter be provided in accordance with the details so approved.
15. The details to be submitted for the reserved matters (as part of condition numbers 1 and 2 above for layout) shall include the provision of footways along the frontage of the site to enable pedestrians from the site to connect with the existing footpaths on Braunston Lane and the Public Rights of Way to the north. Notwithstanding the details shown the submitted illustrative site layout plan (drawing number: SC-001) this shall include a footway leading from the site to the play area to the south. The footways to be provided shall include tactile pedestrian crossing points and the associated on and off-site footway accommodation works approved in the reserved matters shall thereafter be provided/ implemented before the dwellings are first brought into occupation.

16. Details of any off-site highway accommodation works or other works affecting the Public Rights of Way (Bridleway No. FD2) shall be submitted to and approved in writing by the Local Planning Authority before any works commences on the Public Rights of Way. The works shall thereafter be carried in accordance with the details so approved.
17. Prior to commencement of the development hereby permitted, details of scheme to show the provision of one fire hydrant, including the location, shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrant shall thereafter be provided in accordance with the details so approved before any of the dwellings hereby approved are first brought into occupation.
18. Prior to construction works above slab level, samples of the external roofing and facing materials to be used for all building(s) (including the materials and finishes for the windows and doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.
19. Prior to construction of the access roads and pedestrian footways, details of a scheme of street lighting for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details to show the design, number, location of the proposed lighting and information to show the beam orientation, luminaire type, mounting height, and luminaire profiles. Street lighting shall thereafter be provided in accordance with the approved details before the dwellings are first brought into occupation.
20. If during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority, and the implementation of any necessary remediation works has taken place and a verification report has been approved by the Local Planning Authority.

#### **REASONS**

1. To comply with Section 92 of the Town & Country Planning Act 1990.
2. To comply with Section 92 of the Town & Country Planning Act 1990.
3. To comply with Section 92 of the Town & Country Planning Act 1990.
4. To clarify the terms of this outline planning permission.
5. To ensure proper consideration is given to the on and off-site trees, in the interest of visual amenity, the character and appearance of the area and biodiversity.
6. To ensure proper consideration is given to the on and off-site trees/hedgerows, in the interest of visual amenity, the character and appearance of the area and biodiversity.
7. To ensure that features of archaeological interest are properly examined and recorded and the results are made available, in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy, Policy ENV7 of the Settlements and Countryside Local Plan Part 2 for Daventry and Paragraph 199 of the NPPF.
8. In the interest of local, residential amenity and highway safety. The details are required prior to commencement to ensure that a Construction Management Plan be made available and be put in place

- from the outset/ early stages of the development to manage the effects of the construction process.
9. In the interest of local and residential amenity.
  10. To reduce the risk of flooding on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with Paragraph 163 of the NPPF and relevant development plan policies, including Policy BN7 of the Joint Core Strategy and ENV11 of the Settlements and Countryside Local Plan Part 2 for Daventry District. The details are required prior to commencement to ensure that proper consideration is given to the surface water drainage scheme during the early stages of the development and to ensure sufficient timescales for implementation of the drainage works.
  11. To reduce the risk of flooding on and off site in accordance with Paragraph 163 of the NPPF and relevant development plan policies, including Policy BN7 of the Joint Core Strategy and ENV11 of the Settlements and Countryside Local Plan Part 2 for Daventry District. The details are required prior to commencement to ensure that proper consideration is given to the surface water drainage scheme during the early stages of the development and to ensure sufficient timescales for implementation of the drainage works.
  12. To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site, to reduce the risk of flooding both on and off site in accordance with Paragraph 163 of the NPPF and relevant development plan policies, including Policy BN7 of the Joint Core Strategy and ENV11 of the Settlements and Countryside Local Plan Part 2 for Daventry District.
  13. To ensure the future maintenance of drainage systems associated with the development, to reduce the risk of flooding both on and off site in accordance with Paragraph 163 of the NPPF and relevant development plan policies, including Policy BN7 of the Joint Core Strategy and ENV11 of the Settlements and Countryside Local Plan Part 2 for Daventry District.
  14. To ensure satisfactory foul drainage system be put in place, in the interest of public health and residential amenity.
  15. To facilitate pedestrian access to and from the village, in the interest of pedestrian safety and residential amenity.
  16. To ensure the development would not have an adverse impact on the Public Rights of Way.
  17. In the interest of residential amenity and to ensure adequate infrastructure be provided for the development.
  18. To ensure the materials used do not detract from the character and appearance of the area and in the interest of visual amenity.
  19. In the interest of crime prevention, residential amenity and highway safety.
  20. To ensure any contamination present on site is mitigated and to secure a safe development in accordance with Paragraph 179 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

#### NOTES

1. In making this decision, the Local Planning Authority has had regard to the requirements of Paragraph 38 of the National Planning Policy Framework. The agent/ applicant was given the opportunity to address the concerns raised by the Environment Agency and the Council's Local Strategy Team.

2. **The following information (deposited with the Local Planning Authority and registered valid on 5 August 2019) was taken into consideration in reaching this decision:**
  - **Drawing number: SC-001, titled 'Scheme 1 Proposal Composite Site Layout 15 dwellings'**
  - **Drawing number: 4604-01, titled 'Land Survey'**
  - **Application Forms**
  - **Design & Access Statement dated June 2019**
  - **Planning Statement dated June 2019**
  - **Transport Statement dated 20 June 2019**
  - **Drainage Strategy dated August 2019**
  - **Geophysical Survey Report**
  - **Housing Statement Prepared by DLP**
3. **The applicant is reminded of his responsibilities in respect of the Public Rights of Way (Bridleway no. FD2). The routes must be kept clear, unobstructed, safe for users under Section 137 of the Highways Act 1990. There must be no interference or damage to the surface of the PROW and any damage to the path must be made good and specifications for any repair of surfacing work must be approved by the Local Highway Authority under Section 131 of the Highways Act. If as a result of the development, the Right of Way needs to be closed/ diverted, a Temporary Traffic Regulations Order would be necessary and an application for the Order shall be made to Northamptonshire County Council as the Local Highway Authority.**
4. **Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals on 024-77716843. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.**
5. **Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas. Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR211 Radon: Guidance on protective measures for new dwellings).**

<b>Application</b>	<b>DA/2019/0812</b>	<b>Case Officer</b>	<b>NISAR MOGUL</b>
<b>Parish</b>	<b>WEEDON BEC</b>		
<b>Date Valid</b>	<b>27 SEPTEMBER 2019</b>		
<b>Location</b>	<b>ADJ 6, WEST WAY, WEEDON, NORTHAMPTONSHIRE, NN7 4QW</b>		
<b>Development</b>	<b>DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF DETACHED DWELLING</b>		
<b>Applicant</b>	<b>MR &amp; MRS MCLOUGHLIN</b>		

**Recommendation – Refuse**

**Members' Notes**

### **Summary**

This detailed application is for the demolition of the existing flat roofed attached double garage and the construction of a detached dwelling.

The site lies to the north and within the village confines of Weedon, at the end of a residential cul-de-sac street where there are a total of 10 dwellings that are formed in a horse shoe pattern.

Properties in this section of West Way are largely uniform in appearance, set in pairs of 1970's built semi-detached dwellings with flat roofed attached garages and a drive to their front elevations that can accommodate a maximum of two off road parking spaces in addition to the attached garages.

Due to the siting, scale, massing and design, the proposed dwelling would result in a prominent and overly dominant development within the streetscene to the detriment of the character and appearance of the locality.

Additionally, the proposal is considered to adversely impact on the amenity of neighbouring residents, particularly no. 7 West Way, due to the proposal having an overbearing impact as well as causing loss of light to the garden area of this neighbouring property.

The proposal is therefore contrary to the objectives of Saved Local Plan Policies GN2 and EN42 of the Daventry District Local Plan and Policies R1 and S10 of the WNJCS as well as Policies RA1 and ENV10 of the Emerging Part 2 Local Plan.

Furthermore, due to the constrained nature of the site, the proposed parking arrangements will result in issues relating to vehicle movements within the site and

hence will have a detrimental impact on highway safety. Accordingly, the proposal fails to accord with Policy GN2 of the Daventry District Local Plan in respect of parking and impact upon highway safety.

#### **CONSULTATIONS:**

**Weedon Bec Parish Council** – No objections to the application and positively supports this small development.

**Neighbours** – 2 letters of objection received:

Dwelling proposed is in very tiny garden area.  
No access and parking  
Will lead to loss of privacy for either of us.

**NCC Highways** – On original plan -

The local highway authority (LHA) has the following observations and requests to make:

A shared driveway requires an access at the highway boundary of 4.5m wide. This width must continue for 10.0m into the site to allow 2 vehicles to pass. The currently detailed access is 3.5m wide.

Vehicles shown on the submitted plan are 3.8m in length and therefore do not demonstrate an actual vehicle. The LHA requires private cars shown or tracked to be 4.5m in length.

Parking spaces must be marked on any plans. These are 5.0m x 2.5m. Where a parking space abuts an object (e.g. building, wall, fence) an additional 1.0m is required between the object and the parking space to allow adequate access to the front/ rear of the vehicle.

Both the existing and proposed dwellings require a minimum of 2 parking spaces each in accordance with the adopted NCC Parking Standards. The applicants own submitted documents show the existing dwelling requires a minimum of 2 parking spaces and therefore we can be confident that the reduction in parking provision as a result of the proposed development will have a detrimental effect on the public highway.

The submitted plans clearly show that the applicant does not have enough space within their site to accommodate parking for either the existing or the proposed dwellings. Vehicle movements within the driveways will be extremely difficult due to the constrained space. Additionally the demolition of the existing garages removes parking for No. 6 further. As this is the case, the LHA objects to this planning application.

On amended plan – The above objection still remains.

**DDC (Environmental Health – Community)** - No objections subject to inclusion of conditions relating to contaminated land investigation, a demolition management plan and a site construction plan.

**RELEVANT PLANNING HISTORY:**

None.

**PLANNING POLICIES AND GUIDANCE:**

West Northamptonshire Joint Core Strategy (2014)

Policy SA                      Presumption in Favour of Sustainable Development

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

Policy S3              Scale and Distribution of Housing Development

Policy S10              Sustainable Development Principles

Policy H1              Housing density and mix and type of dwellings

Policy R1              Spatial Strategy for the Rural Areas

Daventry District Local Plan (Saved Policies) (1997)

GN1                      concentrate development in or closely associated with the large and small towns, ensure development is accessible by public transport

GN2                      satisfactory means of access, no adverse impact on road network, provided with necessary infrastructure, ensure good quality design etc.

EN42                      Design of development

HS22                      Restricted Infill Village

Settlements & Countryside Local Plan (Part 2 Plan) for Daventry District, Submission Version (2018)

SP1                      Daventry District Spatial Strategy

RA1                      Primary Service Villages

ENV10                  Design  
HO8                      Housing Mix and Type

National Planning Policy Framework (2019)

Part 2                      Achieving Sustainable Development

Part 4                      Decision Making

Part 5                      Delivering a Sufficient Supply of Homes

Part 8                      Promoting Healthy & Safe Communities

Part 11                      Making Effective Use of Land

Part 12      Achieving Well-Designed Places

**Description of Site:**

This application relates to what is currently an attached flat roofed double garage area associated with No.6 West Way. The site lies to the north and within the village confines of Weedon at the end of a residential cul-de-sac street where there are a total of 10 dwellings that are formed in a horse shoe pattern.

Properties in this section of West Way are largely uniform in appearance, set in pairs of 1970's build semi-detached dwellings with flat roofed attached garages and a drive to their front elevations that can accommodate a maximum of two off road parking spaces in addition to the attached garages.

The handed property, No.5 West Way is a similar designed dwelling to the application site, however, this property benefits from a substantial two storey side extension that was granted planning permission in November 2004.

Details of the proposal

The proposal consists of the demolition of the existing double garage on the host property, No. 6 West Way and erection of a detached dwelling. The site curtilage proposed is circa 9.6 metres in width and 18 metres in length and has a shared highway crossover with the No. 6 West Way.

The proposed is a two storey detached dwelling that will be set back circa 1.7 metres from the front elevation of no.6 and will be 8.381 metres in width and 6.111 in length. The height to the eaves will be 4.8 metres and the maximum height to the ridge of the roof will be 6.415 metres.

The proposal will consist of living room, a kitchen/dining area, a utility room and a wc area to the ground floor and to the first floor there will be 3 bedrooms and a bathroom area.

The facing materials proposed to construct the dwelling are facing bricks to the wall to match the existing host dwelling and timber effect upvc cladding, with upvc windows and doors. The roof proposed is to be constructed using concrete roof tiles to match the host property.

The side elevations are proposed to be blank other an entrance door to the ground floor of the west elevation.

**Assessment of Proposal:**

The determining issues in this case are the principle of the development within the confines of this rural village, the impact upon the character and appearance of the area, the impact upon neighbouring amenities and highway safety.

**The Development Plan:**

Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The current Development Plan comprises of the saved policies arising from the Daventry District Local Plan (1997), and the West Northamptonshire Joint Core Strategy (JCS).

West Northamptonshire JCS policy SA relates to the presumption in favour of sustainable development. S1 seeks to concentrate development in and adjoining the principal urban area of Northampton.

Policy S3 of the JCS (Scale and Distribution of Housing Development) identifies the number of dwellings to be provided in the rural area up until the end of the plan period in 2029, which is a figure of 2360. Policy S10 covers sustainable development principles and Policy H1 refers to housing densities, mix and type of dwellings.

H1 relates to the housing density and mix and types of dwellings and housing developments will be expected to, amongst other things, make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area.

Policy R1 (Spatial Strategy for the Rural Areas) provides guidance on determining proposals in the rural area including for residential development and given that the rural housing requirement has been met the final part of Policy R1 has been invoked, which states:

Once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted where it can be demonstrated that it:

Would result in environmental improvements on a site including for example the re-use of previously development land and best practice in design; or

Is required to support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services); and

Has been informed by an effective community involvement exercise prior to the submission of a planning application; or

Is a rural exceptions site that meets the criteria set out in Policy H3; or

Has been agreed through an adopted neighbourhood plan.

In terms of the local saved policies:

Policy GN1 seeks to guide development by way of: safeguarding the resources of the district (A) protect and enhance the environment: (B) make proper use of disused or under used land and buildings: (C) concentrate development in or closely associated with large and small towns: (D) limited in villages: (E) severely restrained development in open countryside: (F) and ensure that it is accessible by public transport where appropriate.

Policy GN2 (General) is a policy allowing for development provided; (A) it is of a type scale and design in keeping with the locality which does not detract from its amenities: (B) has satisfactory means of access and has sufficient parking facilities: (C) does not have an adverse impact on the road network: (D) can be provided with necessary infrastructure and public services and be served by public transport where appropriate: (E) Will not adversely affect a Conservation Area or a Listed Building The policy also requires consideration to be given to heritage assets and ecology under criteria F and seeks to provide protection to Special Landscape Area (SLAs) (G) and the best and most versatile agricultural land (H).

Other Material Considerations:

The Framework

The National Planning Policy Framework (The Framework) is a major material consideration in the determination of this application. It sets out the Government's planning policies for England and how these should be applied. It makes clear that it's a material consideration in planning decisions (Para 2) and that the purpose of the planning system is to contribute to achievement of sustainable development (Para 6) which has three elements to it (Para 7) economic, social and environmental.

Para 12 states that the Framework does not change the statutory status of the development plan as the starting point for decision. Proposed developments that conflict to an up to date Local Plan should be refused unless other material considerations indicate otherwise.

The principle of residential development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine applications for planning permission in accordance with the development plan, if regard is had to the plan, unless other material planning considerations indicate otherwise.

In this particular case Policies S3 and R1 of the West Northamptonshire Joint Core Strategy need to be given some consideration as they form part of the development plan, however, it is considered that Policy RA1 of the Emerging Local Plan which is at a post examination stage can be given considerable weight.

Policy RA1 defines Weedon as a Primary Service Village and states 'development at the primary service villages should be located within the confines of the village'.

For this reason it is considered that although the proposed dwelling is within the confines of the village where the principle of the development can be supported it is subject to other criteria set out in policy R1 and in particular (d) relating to the protection of the amenity of existing residents.

Under the emerging Settlements and Countryside Local Plan Part 2, now post examination, Policy RA1 designates Weedon as a primary Service Village where, amongst other things, development will normally be required to be within the existing confines of the village, protect the form and character of the village and protect the amenity of existing residents.

Impact on residential and visual amenity of the area

With regards to Policy H1 of the Core Strategy, it is considered that a new dwelling within the side/rear garden of 6 West Way would conflict with criterion (b) and criteria (g) due to the fact that the proposal would have a detrimental visual impact upon the existing character and density of the local area (b), and negatively impact the amenity of neighbouring residents (g) as a result of loss of light and being overbearing.

In addition to the West Northamptonshire Joint Core Strategy several saved policies of the Daventry District Local Plan 1997 are considered to be relevant to this proposal and form part of the development plan.

Saved Policy EN42 of the Local Plan states that planning permission will be granted for development provided that:-

A designs promote or reinforce local distinctiveness and enhance their surroundings;  
and

B designs take account of local building traditions and materials; and  
C the scale, density, massing, height, landscape, layout and access of the proposal  
combine to ensure that the development blends well within the site and with its  
surroundings; and

D crime prevention measures are incorporated in the site layout and building design;  
and

E existing landscape attributes of the site are incorporated within the layout wherever  
practicable, and combine with proposed landscaping and open space to ensure that  
the developments environmental impact is minimised.

Saved Policy GN2 of the Local Plan states planning permission will normally be  
granted for development provided it:

A. is of a type, scale and design in keeping with the locality and does not detract from  
its amenities

B. has satisfactory means of access and has sufficient parking facilities

C. will not have an *adverse impact on the road network*

With regard to siting, the dwelling would be set back from the front elevation of No.6,  
but would be set in close proximity of the side/rear boundary of the neighbouring  
property, No. 7 West Way.

It is considered that the proposed two storey dwelling in this location would lead to  
potential overshadowing impact and loss of light to the garden area of No.7 as well  
as having an overbearing impact on the garden area of this neighbouring property  
and hence the proposal would warrant a refusal on these grounds.

The proposed dwelling will be larger than the proposed width of the host property  
whilst similar in depth and style to the dwellings within in the vicinity. However, the  
properties within West Way are characterised by pairs of semi-detached dwellings  
separated with flat roofed garages to their side elevations which affords the street  
some openness and consistency to the pattern of development in the vicinity.

However, there are variations to this streetscene as the neighbouring property, No.5,  
benefits from a substantial two storey side extension which is set back and is  
subservient to the original dwelling.

The proposed development is for a detached two storey dwelling in the area of the  
existing double flat roofed garages belonging to the host property and the proposed  
does not provide an attached garage to its side elevation.

It is considered that the proposed detached dwelling within in the streetscene will not  
only be considered to be an incongruous feature in a tight building pattern of semi-  
detached dwellings but it would also eliminate the separation between the existing  
property at No.6 and the garden area at No.7.

For this reason the proposed is considered to be prominent and overly dominant in  
the streetscene to the detriment of the character and appearance of the locality.

Overall, therefore, due to the above it is considered that the proposal is considered to be contrary to Policy GN2 (A) of the Local Plan which expects developments not to detract from the amenities of the locality.

#### Highway safety/parking

Concerns by neighbours have been raised regarding the impact on parking and congestion in the area. The Highway Authority has also raised objections relating to width of the access proposed as well as the depth of the parking spaces proposed being 3.8 metres instead of the 4.5 metres that would be required. Additionally with the demolition of the existing garages for the host property, proposal only one parking space for the existing and proposed property where as the NCC parking standards seek at least 2 off road parking spaces for a three bedroomed property and hence a minimum of four off road parking spaces would be are required in this instance.

The proposed spaces would be accessed from the existing vehicle crossover onto the proposed block paved area. Accordingly there would be no alteration to the vehicle access arrangements at this part of the street.

In the opinion of the Case Officer, the Highway Authority are correct in their comments relating to the constraint nature of the parking on site and as such contributes to some highway safety concerns.

Due to the concerns from the Highway Authority, the development is considered not to accord with Policy, with particular regard to criteria C of Saved Policy EN42 and criteria B of Saved Policy GN2 of the Local Plan.

Policy ENV 10 Deals with design:

A. Development that is of a high quality and, in particular, proposals of an exemplary and innovative design that reflect and integrate with the surrounding area and create a strong sense of place, will be supported.

B. To achieve high quality design development should meet all of the following:

- i. Promote or reinforce local distinctiveness and enhance its surroundings;*
- ii. Take account of local building traditions and materials;*
- iii. Ensure that the scale, density, massing, height, layout and access of the proposal combine to ensure development blends well within the site and with its surroundings;*
- iv. Incorporate crime prevention measures in the site layout and building design;*
- v. Incorporate existing landscape features of the site and combine with proposed landscaping and open space;
- vi. Provide details of a suitable comprehensive landscaping scheme;
- vii. Respond to the wider landscape context; and
- viii. Protect the amenity of new and existing dwellings and not compromise the function of existing surrounding uses.

It is considered the proposed dwelling due to the reasons discussed above will conflict with policies RA1 and ENV10 of the Emerging Local Plan which can be afforded some weight now it has been submitted.

With regards to the NPPF, The Framework identifies three strands to sustainable development (social, economic and environmental) as does JCS policy SA.

The site is within the confines of the rural area of Weedon, where there are limited local services, bus routes, pubs and restaurants and hence it is considered the

proposal complies with the social role of sustainability, in accordance with paragraph 7 of the Framework.

With regards to the impact on the environment, it is considered the development would not result in the site being improved in any respect as it is considered to be the garden area of the host property, no.6 West Way.

The proposal therefore has no relevance with the environmental strand of sustainability in accordance with paragraph 7 of the Framework.

The economic element, the construction of one dwelling will create jobs (during construction), boost the supply of housing albeit on a very small scale. The proposal will also provide Community Infrastructure Levy (CIL).

These benefits would be considered to be very limited in nature and therefore it is considered that there would be no real economic benefits from the scheme, and on hence on balance the proposal doesn't accords with the economic element of sustainability in accordance with para 8 of the NPPF.

With the above in mind it is considered that the proposal will not result in a sustainable form of development in accordance with the three strands of sustainability.

Section 12 of the NPPF outlines the design principles all development proposals must follow in order to achieve well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Planning policies and decisions should ensure that developments:

Function well and add to the overall quality of the area over the lifetime of the development.

Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Are sympathetic to local character and history

Establish or maintain a strong sense of place

Optimise the potential of the site, and

Create places that are safe, inclusive and accessible and which promote well-being, with a high standard of amenity for existing and future users.

It is considered that the proposal for the reasons outlined above will not accord with the various objectives of the NPPF.

### **Other Matters**

The Daventry District Council Environmental Health team have requested various conditions relating to contamination and construction site management plan amongst other conditions and informatives, given that the site is within an established residential area. This is considered to be a reasonable request and conditions can be imposed to this effect.

### **Conclusion**

If approved, this property will be liable to pay the Community Infrastructure Levy (CIL) unless the applicant is able to demonstrate a self-build exemption. Provision of

a new dwelling at this location would also contribute towards the New Homes Bonus for the Council.

However, it is considered that the proposed development fails to accord with the relevant policies of the development plan and therefore residential development on this site is considered to be unacceptable in principle. The proposed development therefore conflicts with Saved Local Plan Policies (1997) GN1, GN2 and EN42, Policies S1, S3, H1 and R1 of the West Northamptonshire Joint Core Strategy (2014) and the aims of the National Planning Policy Framework (2019).

### **Advice**

That the application should be refused for the following reasons:

### **REASONS**

- 1. Due to the siting, scale and massing, the proposed dwelling would result in a prominent and overly dominant development within the streetscene to the detriment of the character and appearance of the locality. Furthermore, the proposal is considered to adversely impact on the amenity of neighbouring residents, particularly no. 7 West Way, due to the proposal having an overbearing impact as well as causing loss of light to the garden area of this neighbouring property due to the close proximity of the proposal to the side boundary of no. 7 and also due to the position of the sun. The proposal is therefore contrary to Policies S10 and R1(d) of the West Northamptonshire Joint Core Strategy (2014), the design objectives of Saved Local Plan Policies GN2 and EN42 of the Daventry District Local Plan (1997) and Policies RA1 and ENV10 of the Emerging Part 2 Local Plan (2018).**
- 2. Due to the constrained nature of the site the proposed parking arrangements will result in issues relating to vehicle movements within the site hence detrimental to highway safety and thus the proposal fails to accord with Policy GN2 of the Daventry District Local Plan 1997 in respect of parking and impact upon highway safety.**

### **NOTES**

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

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

<b>Application</b>	<b>DA/2019/0851</b>	<b>Case Officer</b>	<b>MR E MCDOWELL</b>
<b>Parish</b>	<b>WEST HADDON</b>		
<b>Date Valid</b>	<b>1 NOVEMBER 2019</b>		
<b>Location</b>	<b>THE OLD MEWS, CROWN LANE, WEST HADDON, NORTHAMPTONSHIRE</b>		
<b>Development</b>	<b>RETROSPECTIVE APPLICATION FOR RETENTION OF CONVERTED RESIDENTIAL UNIT (MEWS 2) AND PROPOSED CONVERSION OF MEWS 1 TO RESIDENTIAL USE (REVISED SCHEME) TO INCLUDE CONSTRUCTION OF NEW GATES AND WALL TO CROWN LANE</b>		
<b>Applicant</b>	<b>IBEC LTD</b>		

**RECOMMENDATION – APPROVE**

#### **MEMBERS' NOTES**

#### **SUMMARY**

The application seeks to regularise unauthorised works (internally and externally) to one of the units which is now occupied whilst proposing changes to the adjoining unit .

In assessing the application as set out in the report it has been demonstrated that for the most part the proposal complies with development plan policy in that it secures the reuse of a building within the confines of the village for residential purposes without detriment to the appearance and character of the heritage assets, the amenities of neighbouring properties or the immediate area around the site. In terms of detail the proposal results in a sympathetic conversion that uses existing openings and only introduces new roof lights to inward facing roof slopes.

Whilst the amenity area to serve both units is extremely restricted the relationship of the building to existing buildings will not result in any adverse loss of amenity to surrounding residential properties or to the amenities of potential occupants of the development.

The lack of onsite parking does result in some conflict with policy but I consider that such conflict would not be sufficient to outweigh the benefits of securing a long term viable use for designated heritage assets close to the centre of the village.

Accordingly subject to the conditions set out below it is considered that the proposal would result in a sustainable form of development and it is recommended that the application be approved.

## **CONSULTATIONS**

**PARISH COUNCIL –** No observations

### **CRIME PREVENTION DESIGN ADVISOR -**

Submitted drawings :

Northants Police has no objection to the conversion of this building to residential use. Where possible the doors and windows fitted to the ground floor should meet

## **WILD LIFE TRUST**

Thank you for forwarding on the photos, it does appear that they have conducted works which would remove many of the features which could be used by roosting bats (I couldn't see any suggestion that this had happened within the submitted information). If a site visit could establish that the works on the building left to be renovated extended across it all/there were no sections left with gaps around the windows or under the eaves or damaged tiles that could be used by bats. If the works have been completed across the whole structure, then I would be satisfied that a preliminary roost assessment is not needed but would like to add a condition/informative (whichever you think appropriate), should the council be minded to grant permission, that reminds the applicant that any further works still need to be conducted as described in the Precautionary Method Statement included within the Bat Emergence and Re-entry Surveys (Astute Ecology, July 2017).

### **DDC (CONSERVATION OFFICER – COMMUNITY) -**

See officers report under DA/2019/0852 in respect of Listed building consent.

## **NEIGHBOURS –**

Letters of representation received from local resident expressing concerns about the motives of the applicant in the subdivision of the site from the public house.

## **PLANNING POLICIES**

West Northamptonshire Joint Core Strategy  
Policy SA – Presumption in Favour of Sustainable Development  
Policy S1 – The Distribution of Development  
Policy S3 – Scale and Distribution of Housing Development  
Policy BN2 – Biodiversity  
Policy BN5 – The Historic Environment and Landscape  
Policy R1 – Spatial Strategy for the Rural Areas

West Haddon NDP

WH4 Protection of Local Community Assets  
WH7 Transport and transport

WH10 New Residential Development In West Haddon Village  
WH13 Design

Saved Policies of Daventry District Local Plan

GN1 General

GN2 General

EN18 Conversion of existing buildings within villages

HS 11 Limited Development Villages

## **RELEVANT PLANNING HISTORY**

DA/1997/0667 Conversion of outbuilding to form new bedrooms Approved

DA/1997/668/LB Conversion of outbuilding including internal and external alterations to form new bedrooms Approved

DA/2017/0792 Conversion of storage building to two residential dwellings Approved

DA/2017/0793 Listed Building Consent for conversion of storage building to two residential dwellings Approved

## **OBSERVATIONS**

The site and its surroundings

The building benefited from both planning permission and listed building consent for conversion to two residential units. One of these (the eastern unit) has already been converted and is occupied however the works undertaken were not carried out in accord with the permissions given in terms of internal layout and introduction of a new window to the rear (northern) elevation. No further work has been undertaken with respect to the western unit however the applicant seeks to revise proposals for that unit which are different to those previously approved.

The application site was formerly part of the complex of buildings that include the Crown Public House a Grade II listed building fronting High Street at the corner of Crown Lane immediately to the East of All Saints Church (A Grade II\* Listed building) close to the centre of the village.

The subject site comprises the building described above with a small yard area separated from the pub garden by means of a 2m high close boarded fence on top of a low wall. Access to the yard area is from Crown Lane via a pedestrian gate attached to an existing boundary wall.

The building is physically connected to another outbuilding enclosing the west side of the Crown pub curtilage. The first floor of this other outbuilding is accessed by an external staircase that overhangs the western part of the yard area of the site.

The subject building has most openings on the south facing elevation comprising ground floor windows and doors and first floor window openings. The east elevation contains a ground floor window and first floor door opening which have been incorporated into the implemented conversion.

The wall to the yard contained an access door and small window opening but this has been largely removed. The west elevation is blank with the exception of a small ground floor opening which currently contained a UPVC window which appears at

very low level when seen from the Churchyard and which is screened by existing vegetation within the churchyard. This window has been replaced by an acceptable timber framed alternative.

The north elevation is blank and backs on to an existing electricity substation which is not connected to the subject building. The substation sits alongside another garage type building which is accessed from the turning head at the end of Crown Lane. From here one can also access a public right of way that extends north and one can also access the churchyard

The applicant has inserted a window into this rear elevation without the benefit of listed building consent or planning permission as part of the unauthorised conversion works which are now occupied.

The Churchyard to the west contains numerous mature trees several of which are close to the subject site but not within it.

The surrounding area is primarily residential although there are a number of commercial properties including a pub, shop and hotel nearby

### **The Proposal**

The application seeks planning permission to regularise the works already carried out to the eastern side of the building and to seek permission to revise proposals for conversion of the western unit including the insertion of a window to the rear (northern elevation) to match the existing unauthorised window inserted in the now occupied eastern unit.

As the building is considered curtilage listed it is also the subject of listed building consent which is considered elsewhere on this report.

The applicants propose to replace the boundary wall fronting Crown Lane with a pair of timber gates instead of the replacement wall and gate as approved.

Externally the proposal uses existing openings with only conservation type roof lights being introduced in the south facing or inward facing roof slopes. The UPVC window on the west elevation has been replaced by a timber window.

The small yard area remains enclosed by the existing fence line that separates the site from the pub area.

There is no parking provision proposed on site since there is no space to provide parking space.

### **Development plan policies**

As with all planning applications there is a requirement to determine this application in accordance with the provisions of the development plan unless material considerations indicate otherwise including consultation responses as set out above..

The development comprises the West Northamptonshire Joint Core Strategy (JCS) , saved Policies of the Daventry District Local Plan (DDL P) and the West Haddon

Neighbourhood Development Plan (WHNDP) . The relevant policies are listed above and considered in more detail below.

### **Assessment of the application**

As the principle and detail of residential conversion has previously been established on site by grant of permission under DA/2017/0792 this application falls to be determined on the detail of the works carried out so far in respect of the occupied unit and the merits of those proposed for the western unit.

West Haddon is defined as a limited village under saved policy HS11 of the DDLP which allows for development within the defined confines of the village including conversion of existing buildings for residential purposes (HS11 (D)). Furthermore Saved Policy EN18 allows for the renovation conversion of buildings within the confines of villages subject to consideration against relevant criteria in that policy.

JCS Policy R1 sets out the approach to residential development seeking to secure an appropriate mix of dwelling types and sizes within the confines of the village. This policy also sets out the need to preserve and enhance historic buildings and protecting the amenity of existing residents. Although the policy does not make specific reference to conversion of buildings it does allow for conversion of buildings outside the confines. As such I consider the policy would not prevent such conversions within the confines.

Policy WH1 (c) of WHNDP requires development to be within the confines of the settlement and to be of a scale to complement the traditional character and historic core whilst WH 10 supports small scale housing development within the confines of the settlement. The evidence on Housing need in the WHNDP identifies need for at least 1 x1bed flat for rent in the text under Policy WH12.

Having regard to the provisions of the above policies I consider that the principle of residential conversion can be supported since the proposal is within the defined confines of the village. However it is necessary to look at the detail of the proposed conversion having regard to relevant development plan policy and other considerations.

In terms of the physical alterations the proposal makes use of existing openings with the exception of 1 conservation type roof lights (in lieu of 4 previously granted) on inward facing roof slopes to provide natural light to landing areas bathroom or bedroom.

A domestic type door with large glazed panel to the upper half has been installed on the occupied unit without prior agreement of the LPS under conditions previously approved. An identical type door is proposed for the neighbouring unit. In officers view these domestic type doors detract from the simple functional character of the former outbuildings and should be replaced by solid planked timber doors more in keeping with the existing building.

The unauthorised window that was installed on the north elevation of the occupied unit has resulted in harm to the appearance of this simple functional building. However it is acknowledged that this window opening replaced a much smaller crudely cut ventilation hole in this location which officers had suggested could have been simply glazed. Although the work has been carried out without prior agreement it is considered on balance that it would not be expedient to pursue enforcement

action to pursue the reintroduction of the smaller opening given the level of intervention that has already taken place.

That said the introduction of another window to serve the proposed unit would not further detract from the simple form of the building. Accordingly officers have asked this be omitted from the proposed scheme. Subject to receipt of amended drawings this aspect of the proposal is judged acceptable in planning terms.

Subject to conditions securing necessary details of roof lights, windows and doors etc these conditions would also seek to secure the replacement of the door serving the occupied unit with a suitable alternative within 6 months of the date of approval. In addition conditions would secure suitable metal rainwater goods appropriate to the character of the building as those installed as previously sought under earlier permissions.

On balance I am satisfied that these alterations would preserve the character and appearance of this curtilage listed building and would not adversely impact on the setting of the listed pub or neighbouring listed church. As such I consider the proposal would satisfy the relevant criteria of Saved DDLP Policy EN18 and WH1 (C) and WH13 of the WHNDP in that it would complement the traditional and historic core of the village. In that regard I judge the proposal to be acceptable in planning terms.

Turning to the issue of amenity both for existing neighbours and potential occupants I have had regard to concerns expressed by local residents in respect of the lack of amenity space and relationship to the adjoining pub. I do accept that the available space is not ideal however the Council must judge the proposal as submitted. The small yard area is already separated from the remaining courtyard area at the rear of the pub by a high close boarded fence such that the yard serving the units would be afforded a degree of privacy at ground floor level with the exception of an external stair platform that overhangs the site. I also accept that at first floor level there is mutual overlooking between the pub and the application site. The separation distance between the subject building and the rear of the pub is some 16m. Other windows on the rear projecting outbuilding are at such an oblique angle relative to the subject building that no window to window overlooking would occur. I am also mindful of the fact the subject building historically formed part of the pub complex and as such its physical relationship to these adjoining buildings has not changed. I also note historically permission was previously given for the use of the building for 4 en-suite bedrooms (DA/97/667) although never implemented. I am also aware that the EHO has not raised any concerns about the relationship of the proposal to the existing neighbouring pub.

I have also considered the impact on existing neighbouring properties and advise that I am satisfied no adverse impact would result. This is because the proposal is relatively inward looking such that no adverse impact would arise on properties to the north or east by virtue of overlooking or loss of privacy.

Similarly the introduction of the unauthorised window to the rear elevation (north) does not result in any loss of amenity to existing neighbouring properties.

In these circumstances I judge on balance that the proposal for two small one bed units would have a reasonable level of amenity that would not adversely impact on the amenity of locality and as such would be compliant with the provisions of Saved DDLP Policy GN2 (a) and EN42 and JCS R1 (D) as well as WH13 (c) of the WHNDP.

In addition to the above considerations lack of onsite parking must be weighed in the balance in considering the proposal. It is a simple matter of fact that the scheme cannot accommodate onsite parking because there is no space to provide it. As a result objections have been raised by the local highway authority (as set out above) as well as local residents concerned that the additional on street parking would be unacceptable in terms of highway and pedestrian safety and would cause further problems for accessing the churchyard off Crown Lane.

Saved DDLP Policy GN2 advises that development proposals will normally be granted subject to provision of a satisfactory means of access and has sufficient parking without adverse impact on the road network. Similarly saved Policy EN18 (D) requires regard to be given to the provision of onsite parking when considering conversion proposal. The JCS Policy C1 sets out an approach to changing behaviour towards transport and achieving a modal shift to reduce dependency on the private car. Whilst such policies may not be directly applicable to this particular proposal they do reflect the general approach to securing more sustainable forms of development. The WHNDP makes no direct reference to parking standards when considering development proposals for residential conversions.

The application site faces on to Crown Lane which forms part of the public highway and is cul-de sac which affords vehicular access on to the High Street. There are no double yellow lines on Crown Lane or High Street such that on street parking can take place. I note at paragraph 4.9 of the WHNDP that although there is local concern about parking it is considered to be less of a problem on High Street. in the vicinity of the application site in this part of the village. That said I also note the anecdotal comments about indiscriminate or bad parking practices. Whilst I do not doubt such situations exist I am not convinced that the proposed development involving two 1 bed units would significantly add to this situation such as to warrant refusal on highway and pedestrian safety grounds.

It should also be noted that the fact remains that it is physically not possible to provide off street parking within the application site such that any alternative use including business uses would be faced with the same problem. Faced with this it is not reasonable in my view to simply object to the scheme on the grounds of lack of on-site parking when it is not possible to provide for this.

I have had regard to the comments of the LHA and those of local residents including the neighbouring church I consider that the potential for conflict with saved Policy GN2 A and B and EN18 (D) does weigh against the proposal.

As the building is curtilage listed the submitted scheme is subject to a Listed Building Application (DA/2019/0852) considered elsewhere on this agenda. I have also had regard to the advice of the Council's Conservation Officer.

I consider that the impact on the heritage asset can be judged acceptable subject to conditions securing the details sought by the Conservation Officer. Accordingly the proposal is considered compliant with the provisions of saved DDLP Policy GN2 (E) and EN18 and JCS Policy BN5. With respect to WHNDP the proposal would comply with the requirements of WH13 (a) in respect of the preservation and enhanced of locally distinctive built environment. Such considerations weigh in favour of the proposal.

The application was accompanied by an ecology report which was subject to consultations with the Wildlife Trust under the existing service level agreement. The

advice of the WT is set out above. Subject to imposing conditions as advised I consider the development will address the requirements of JCS policy BN2 in securing biodiversity protection and enhancement opportunities. Such considerations weigh in favour of the development.

### **Planning Balance**

In assessing the application as set out above it has been demonstrated that for the most part the proposal does comply with development plan policy in that it secures the reuse of a building within the confines of the village for residential purposes. In terms of detail the proposal results in a sympathetic conversion that uses existing openings and only introduces new roof lights to inward facing roof slopes. The unauthorised works have caused some harm but not sufficient to warrant refusal of the application on planning grounds subject to receipt of amended drawings as discussed above.

Whilst the amenity area to serve both units is extremely restricted the relationship of the building to existing buildings will not result in any adverse loss of amenity to surrounding residential properties or to the amenities of potential occupants of the development.

The lack of onsite parking does result in some conflict with policy but I consider that such conflict would not be sufficient to outweigh the benefits of securing a long term viable use for designated heritage assets close to the centre of the village. Accordingly subject to the conditions set out below it is considered that the proposal would result in a sustainable form of development and it is recommended that the application be approved.

### **ADVICE**

That subject to receipt of amended drawings showing the omission of the proposed window to the rear (north) elevation of the proposed unit and indication of more appropriate timber planked front doors to both units the application should be APPROVED subject to the following conditions;-

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the amended plans.**
- 3. Prior to the start of conversion works to unit ( ) above details in respect of rainwater goods, roof lights doors and windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 4. Within 6 months of the date of this approval the front door to unit (..) shall be replaced by a timber planked door the details of which shall be submitted to the Local Planning Authority for agreement . The door shall thereafter be retained.**
- 5. The applicant or their successors shall ensure that the measures set out in Section 5.3 the Precautionary Method Statement of the Astute Ecology report reference AE17.167.1 July2017 shall be strictly adhered**

- to and its implementation confirmed in writing to the LPA prior to first occupation of the approved development.
6. The applicant or their successors shall ensure that the site enhancement measures as set out in Section 5.4 of the Astute Ecology report reference AE17.167.1 July2017 shall be strictly adhered to and its implementation confirmed in writing to the LPA prior to first occupation of the approved development.
  7. Before the first occupation of the approved development the applicant or their successors shall implement provide additional bird and bat boxes within or in the vicinity of the application site in accordance with details to be submitted and agreed in writing by the LPA.

#### **REASONS**

1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. To ensure that the development is carried out in accordance with agreed amendments which have addressed LPA earlier concerns about impact on the character and appearance of this curtilage listed building.
3. It is considered necessary to agree these details in advance of works to ensure that the materials used are appropriate for the preservation and enhancement of this curtilage listed building. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.
4. The existing door is considered to be inappropriate to the simple functional character and appearance of this outbuilding being domestic in appearance and form with a large glazed panel. The Council considers this should be replaced with a door of a more appropriate form and appearance.
5. To secure the protection and mitigation measures to mitigate the impact of development on local bat populations.
6. To secure the protection and mitigation measures to minimise the impact of development on local bat populations.
7. It is considered these appropriate additional measures which will deliver enhancements for the local biodiversity which will result in an overall nett gain for wildlife, in association with the proposed development scheme in accordance with relevant development plan policy.

#### **NOTES**

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

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

<b>Application</b>	<b>DA/2019/0852</b>	<b>Case Officer</b>	<b>MISS R BOOTH</b>
<b>Parish</b>	<b>WEST HADDON</b>		
<b>Date Valid</b>	<b>1 NOVEMBER 2019</b>		
<b>Location</b>	<b>THE OLD MEWS, CROWN LANE, WEST HADDON, NORTHAMPTONSHIRE</b>		
<b>Development</b>	<b>LISTED BUILDING CONSENT FOR CONVERSION OF OUTBUILDINGS TO TWO RESIDENTIAL UNITS. ALTERATIONS TO BOUNDARY WALL AND CONSTRUCTION OF NEW GATES.</b>		
<b>Applicant</b>	<b>IBEC LTD</b>		

**RECOMMENDATION – APPROVE**

#### **MEMBERS' NOTES**

#### **SUMMARY**

The Old Mews is a former stable range associated with the grade II listed The Crown Inn public house, in whose curtilage it stands. The significance of the outbuilding lies in its former uses and its spatial and functional relationship to The Crown Inn as well as its historic fabric. Planning permission and listed building consent have previously been given for conversion into two residential units. The approved scheme was considered to result in less than substantial harm to the significance and setting of the listed building as a result of loss of historic character through changes to the internal spaces of the building and the introduction of domestic services and decorations. In accordance with NPPF para 196, when weighing the harm against the public benefits of the proposal, the local planning authority determined that, with careful attention to design, materials and finishes, those elements of the building which best define its character and contribute to the significance of the listed building could be retained. The proposal would facilitate the repair of the building and create a viable new use which would help to secure its long-term future. It was also considered that the impact of the proposal could be mitigated by carrying out a programme of archaeological investigation and recording of the building in its pre-conversion state in accordance with NPPF paragraph 199.

Development works commenced on site, in breach of the planning and listed building controls. The current application seeks to regularise the works that have already been carried out and make changes to the approved plans for the remaining part of the project. The applicant's failure to comply with pre-commencement conditions –

including the requirement to make a record of the building in its pre-conservation state - have caused further harm to significance. However, the impact of the proposed scheme (as amended) is still relatively limited and, on balance, acceptable. The proposal would not substantially detract from the character of the historic building or its contribution to the significance and setting of the principal listed building, The Crown Inn. The proposal is considered to comply with JCS Policy BN5, Saved Local Plan policy GN2 (criteria A & E) and policy ENV7 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2020 (Examination held in June 2019).

## **CONSULTATIONS**

**WEST HADDON PARISH COUNCIL** – No comments received.

**NEIGHBOURS** – No representations received.

## **PLANNING POLICIES & GUIDES**

Policies saved by Direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004:

Daventry District Local Plan: GN2A states that proposals will be of a type, scale and design appropriate to the locality and not detract from its amenities. Criteria E: development will not adversely affect a conservation area or building listed as being of architectural or historic interest or their setting. EN42 is a general design policy, which states that planning permission will be granted for development provided that (A) designs promote or reinforce local distinctiveness and enhance their surroundings; and (B) take account of local building traditions and materials; and (C) the scale, density, massing, height, landscape and layout of the proposal combine to ensure that the development blends well within the site and with its surroundings. The West Northamptonshire Joint Core Strategy was adopted on 15 December 2014 and is now part of the Development Plan. Subsequently, the policies in the Core Strategy are a material consideration in the decision-making process. This is confirmed by paragraph 216 of the NPPF.

Policy SA 'Presumption in Favour of Sustainable Development' states that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work jointly with the applicant to find solutions.

BN5 '*The Historic Environment and Landscape*' stated that designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire's local distinctiveness and sense of place. Development proposals should sustain and enhance the heritage and landscape features that contribute to the character of the area. They should demonstrate an appreciation and understanding of the impact of development on surrounding heritage assets and their setting, in order to minimise harm to those assets.

Settlements & Countryside Local Plan (Part 2 Local Plan) for Daventry District 2011-2020, Submission Version (as of Sept 2019)

Objective 14 states that Local Planning Authority should seek to conserve and where possible enhance, through carefully managed change, heritage assets and their settings, and to recognise their role in providing a sense of place and local distinctiveness.

Policy ENV7 (Historic Environment) states that:-

Proposals affecting the historic environment must demonstrate a clear understanding of any potential impact on the significance of heritage assets and their setting; any

description of significance and the contribution of setting should be proportionate to the asset's importance. As a minimum the Northamptonshire Historic Environment Record should be consulted.

In decision making, great weight should be given to the conservation of heritage assets irrespective of the level of harm. The more important the asset, the greater the weight will be.

Any harm to a designated heritage asset requires clear and convincing justification. Proposals that lead to substantial harm to or total loss of a designated heritage asset, or less than substantial harm to a designated heritage asset will be judged against the tests in the NPPF.

The Council will seek to sustain and enhance the historic environment of the District by supporting:

High quality proposals that respond positively to their context by reinforcing local distinctiveness including street pattern, siting, form, scale, mass, use, materials and architectural features. Proposals should have regard to other design policies and supplementary planning documents that have been adopted by the Council;

Proposals that make a positive contribution to, or which better reveal the significance of designated heritage assets;

Proposals that would conserve designated assets identified as being at risk. The Council will seek to proactively engage with owners of such assets to find solutions that will safeguard and secure the future of the asset, including where appropriate their viable adaptation and re-use compatible with their character and significance;

Proposals affecting conservation areas that would sustain or enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area. Proposals that respond positively to the opportunity to enhance neutral or detracting elements of a conservation area, as identified through conservation area appraisals and management plans, will particularly be supported;

Proposals that sustain or enhance key views of heritage assets and key views into and out of conservation areas identified in conservation area appraisals, landscape characterisation, neighbourhood development plans and village design statements;

Proposals that sustain or enhance traditional shopfronts, including the restoration of historic features and the sympathetic use of high quality fascia and projecting signs;

Proposals that are sympathetic to non-designated heritage assets (identified through a conservation area appraisal or other method) and their setting including their retention and re-use. In doing so, the impact of the scale of any harm or loss on the significance of the assets will be taken into consideration.

National Planning Guidance:

National Planning Policy Framework (July 2018, revised Feb 2019)

By virtue of paragraph 212 at Annex 1 of the NPPF, the policies in that document are a material consideration which should be taken into account in dealing with applications.

Sustainable development is a central theme of the NPPF. There is a presumption in favour of sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives – economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspects of sustainable development (chapter 12, para 124). Developments should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to

local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; establish a strong sense of place (paragraph 127). Design quality should be considered throughout the evolution and assessment of individual proposals (paragraph 128). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraph 130).

Heritage assets should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 184).

In determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to the historic environment's local distinctiveness (paragraph 192).

Paragraph 190 advises LPAs considering the impact of a proposal on a heritage asset to take into account the particular significance of the heritage asset that may be affected (including development affecting the setting of a heritage asset), to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 advises that any harm to, or loss of, significance should require clear and convincing justification.

Historic England Good Practice Advice Notes contain information to help LPAs implement national environmental policy and guidance. Advice Note 2: *Managing Significance in Decision-Taking* and Advice Note 3 – *The Setting of Heritage Assets*, are relevant to this application. Both documents advise that heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process is very important to an applicant in order to conceive of and design a successful development and to the local planning authority in order to make decisions in line with legal requirements and the objectives of the development plan and the policy requirements of the NPPF. Government guidance on the historic environment (first published April 2014; last updated 23 July 2019) advises on enhancing and conserving the historic environment and reinforces national and local policy.

Draft West Haddon Conservation Area Appraisal and Management Plan (September 2019 – public consultation closed 04 November 2019)

## **RELEVANT PLANNING HISTORY**

DA/2017/0792 Conversion of storage building to two residential dwellings (The Old Mews). Approved.

DA/2017/0793/LB LBC for conversion of storage building to two residential dwellings. Approved.

DA/2019/0851 Retrospective application for retention of converted **residential** units (Mews 2) and proposed conversion of Mews 1 to residential use (revised scheme) to include construction of new gates and wall to Crown Lane. Current.

## **OBSERVATIONS**

The application site comprises a two storey red brick building with concrete roof tiles, which forms the northern part of a courtyard of buildings associated with The Crown Inn public house. The Crown is a grade II listed building fronting the High Street of West Haddon at the corner of Crown Lane and immediately to the east of All Saints Church (grade II\* listed) close to the centre of the village. The Crown Inn dates from the early 19th century. It has a brick front elevation of three storeys with a shallow slate roof. The application building was originally built as part of the stabling for The Crown Inn. It is not listed in its own right and is of limited architectural interest but, together with other outbuildings in the group, contributes to the significance of The Crown Inn through its historic functional, spatial and physical relationship with the principal heritage asset. These buildings and structures formed part of the curtilage of the public house at the date of listing and remain subject to the listed building controls. The application site comprises a small cobbled yard area immediately in front of the stables, which is partly defined by the historic brick wall onto Crown Lane and is now separated from the pub garden/courtyard by means of a 2m high close boarded fence. Access to the yard area from Crown Lane is via a pedestrian gate attached to an existing brick boundary wall.

The application is for the conversion of the stable building to create two residential dwellings. There is an accompanying planning application (ref. DA/2019/0851), which is the subject of a separate report. The applications are part retrospective as development works have commenced on site.

### Assessment of the application

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering applications that may affect a listed building or its setting, special regard be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The fabric of a building will always be an important part of its significance. Retention of as much historic fabric as possible is a fundamental part of any good alteration or conversion.

British Standard BS 7913:2013 (section 6.16) advises that 'Alterations should be carried out only if there is no suitable alternative option. They should be designed to minimise their impact on the significance of the historic building, and should avoid losing features that contribute to that significance'.

The application building is a modest brick building of rectangular plan and two storeys. Internally, the ground and upper floors are divided into two bays by a single central brick wall and timber stall dividers survive in each bay.

Planning permission and listed building consent were granted for conversion of the building into two residential units in 2017. With input from the Council's planning and conservation officers, the approved scheme comprised two one-bed units providing a single bedroom and bathroom at first floor level created by the addition of stud walls with an open kitchen-living area at ground floor. A new internal staircase was positioned at either end of the building to serve each unit. The original timber cross beams and principal elements of the roof structure were retained. The proposal used existing openings on the south, west and east elevations. The existing stable doors were to be replaced by planked timber doors of similar appearance with a small glazed vision panel. The existing fan lights above were retained, as were the casement windows on the front elevation. New openings in the roof were restricted to conservation-type roof lights on the south (courtyard) facing roof slopes. The applicant had replaced an existing timber window situated at very low level on the west elevation (facing onto the churchyard) with a UPVC window without the benefit of listed building consent. The application included the removal of this window and the reinstatement of a timber window to match the original. The existing black plastic rainwater goods black plastic had been recently installed (without the benefit of listed building consent) in place of the original cast iron goods. A condition was attached to the listed building consent to require the reinstatement of black painted metal goods. The existing pedestrian access into the yard area through the brick boundary wall from Crown Lane was to be retained.

Development works subsequently commenced on site without the applicant seeking to discharge the pre-commencement conditions attached to the consents. It was also discovered that works were not being carried out in accordance with the approved drawings.

Officers have spent many months liaising with a series of agents employed on behalf of the applicant to address the breaches, with progress regrettably stalling each time there was a change of personnel. In the meantime, one of the residential units is now complete and is occupied by the applicant. The current application seeks to regularise the existing unit and enable conversion of the second unit to proceed.

It is a criminal offence to undertake unauthorised works on a listed building. Section 8 (3) of the Planning (Listed Building and Conservation Areas) Act 1990 allows listed building consent to be sought even though the works have already been completed. Applications to retain such works should follow the same procedures as other listed building consent applications and should contain sufficient information to enable the local planning authority to make a full assessment. In such cases, the local authority will not grant consent for the works merely to recognise a *fait accompli*. It must consider whether it would have granted consent for the works had it been sought before they were carried out, while having regard to any subsequent matters which may be relevant.

Internally, the new and proposed layout includes repositioned staircases that now sit centrally in each bay with a kitchen and living room on each side. This allows for the retention and refurbishment of the original timber stall dividers, which form part of the new staircase partition. It is not considered that these changes have any additional material impact upon the significance of the listed building.

A condition attached to the original consent required details of the proposed repairs and strengthening of all existing roof timbers, floor beams and joists to be submitted to and approved by the local planning authority. No details have been provided. From an internal inspection it is apparent that some of the existing first floor beams are replacements and there have been interventions to lift and strengthen the floor. It is

understood that these changes were made prior to the current occupier's ownership. The character of the original floor structure is much altered by these interventions but, once converted, the new ceiling finishes would conceal all but the main spine beams. The applicant has confirmed that no further changes to the construction of the roof or the first floor structure are required.

The unauthorised upvc window at low level on the churchyard elevation has been replaced with a flush painted timber window. No further action is required on this item.

The approved design of the front doors was a simple solid timber planked construction with a small vision panel. The current proposal is for a domestic panelled door with a large glazed panel in the top half, and with a full height glazed side panel. This is not in keeping with the character of the building as a former stable. The applicant has been advised that the original proportions of the stable door and its utilitarian appearance should be retained. Amended plans are anticipated to address this detail. The fan lights above the doors have been retained, but one of the side windows has been enlarged. This is unfortunate but, on balance, not unacceptable.

The omission of some of the originally approved rooflights on the front (courtyard) elevation is welcomed. There is now only one rooflight shown. This should be a traditional flush-fitting conservation rooflight with a central integral glazing bar. It is anticipated that this detail could be secured by condition attached to any consent that is granted.

It was understood that the existing black plastic rainwater goods had been installed on the building without the benefit of listed building consent, replacing the original cast iron goods. It was a requirement of the previous consent that the black plastic goods be replaced with black painted metal goods. The applicant did not challenge this requirement. The current application drawings show the existing black plastic gutters and water pipes to be retained. The applicant has been requested to amend this detail. It is anticipated that a condition could be attached to any consent that is granted requiring the reinstatement of black painted metal rainwater goods on the building within a specified timescale.

The current application shows two ground floor windows on north elevation. W5 has already been installed. This is in the position of a pre-existing small square ventilation opening that had been crudely cut into the brickwork. The new window serves the kitchen of the completed unit Mews 2, which is already occupied. The larger size and domestic style of the new window detracts from the character and appearance of the outbuilding but, on balance, it is considered that the harm is limited. The window proposed for Mews 1 (W6), which is adjacent to the churchyard footpath, would be a new opening in the brick wall. It is important not to compound the impact of the existing window by adding another domestic opening to this elevation. The applicant has been requested to amend the drawings to maintain the simple utilitarian appearance of the building and to minimise any disturbance to the peace and tranquillity of the churchyard.

Finally, the application includes alterations to the red brick courtyard wall fronting onto Crown Lane. The brick building of The Crown Inn, its outbuildings and the associated boundary walls of Crown Lane is one of a number of significant groupings in West Haddon, which provide a degree of uniformity and coherence to the street scene. The boundary walls contribute to the strong building line and enclosed character of this part of the village (as described in the draft CAAMP for West Haddon, produced Sept 2019).

The structural engineer's report that accompanied the original applications concluded that the brickwork of the boundary wall was in poor condition and required rebuilding. It was originally proposed to reinstate the existing timber pedestrian gate and small casement window when the wall was repaired. The current proposal is to install double leaf timber gates within the brick wall. This would result in some loss of historic fabric and the existing window. The dimensions of the opening in the wall would not be greater than those of the existing entrance to the courtyard of The Crown Inn, to the south. The solid timber gates would retain the sense of physical and visual enclosure, which would limit the overall harm caused by this alteration.

## **Summary**

The Old Mews is a former stable range associated with the grade II listed The Crown Inn public house, in whose curtilage it stands. The significance of the outbuilding lies in its former uses and its spatial and functional relationship to The Crown Inn as well as its historic fabric. The previously approved scheme of conversion into two residential units was considered to result in less than substantial harm to the significance and setting of the listed building as a result of loss of historic character through changes to the internal spaces of the building and the introduction of domestic services and decorations. In accordance with NPPF para 196, when weighing the harm against the public benefits of the proposal, the local planning authority determined that, with careful attention to design, materials and finishes, those elements of the building which best define its character and contribute to the significance of the listed building could be retained. The proposal would facilitate the repair of the building and create a viable new use which would help to secure its long-term future. It was also considered that the impact of the proposal could be mitigated by carrying out a programme of archaeological investigation and recording of the building in its pre-conversion state in accordance with NPPF paragraph 199.

The current application seeks to regularise works that have been carried out in breach of the previous consents and to make changes to the approved plans for the remaining part of the project. Despite the applicant's failure to comply with pre-commencement conditions – including the requirement to make a record of the building in its pre-conservation state, which has caused further harm to significance, the overall impact of the proposed scheme (as amended) is still relatively limited and, on balance, acceptable. The proposal would not substantially detract from the character of the historic building or its contribution to the significance and setting of the principal listed building, The Crown Inn. The proposal is considered to comply with JCS Policy BN5, Saved Local Plan policy GN2 (criteria A & E) and policy ENV7 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2020 (Examination held in June 2019).

## **ADVICE**

That the application should be approved subject to the following conditions:-

### **CONDITIONS**

- 1. The works to which this consent relates shall be begun within 3 years from the date of this consent.**
- 2. All works shall be carried out strictly in accordance with amended drawings ref. .... submitted on .....**

3. The existing black plastic rainwater goods on the building shall be replaced with black painted round and half round profile metal goods within six months of the date of this consent.
4. Notwithstanding the details shown on the approved elevation drawings full details including drawings and sections (scale of 1:20 – 1:2 as necessary) of the design, construction and finish of all new and replacement timber windows, doors and gates and the proposed new conservation rooflight to be installed in the building shall be submitted to and approved in writing by the local planning authority. All works shall then be carried out strictly in accordance with the approved details.

#### **REASONS**

1. To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure development is in accordance with the amended details, and to enable the LPA to consider the impact of any changes to the approved plans.
3. The existing black plastic rainwater goods have been installed in place of previously existing cast iron goods without consent. They are not in keeping with the character and appearance of the application building or its surroundings. 6 months is a reasonable timescale to enable the applicant to replace the plastic goods with metal alternatives that are technically and visually compatible with the character and appearance of the listed building.
4. To ensure that all architectural details, materials and finishes are technically and visually compatible with the character and appearance of the listed building.

#### **NOTES**

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

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

<b>Application</b>	<b>DA/2019/0945</b>	<b>Case Officer</b>	<b>REBECCA HAMBRIDGE</b>
<b>Parish</b>	<b>ABBEY SOUTH</b>		
<b>Date Valid</b>	<b>1 NOVEMBER 2019</b>		
<b>Location</b>	<b>THE MOOT HALL, MARKET SQUARE, DAVENTRY, NORTHAMPTONSHIRE, NN11 4BH</b>		
<b>Development</b>	<b>CHANGE OF USE OF BUILDING TO CHILDREN'S DAY NURSERY</b>		
<b>Applicant</b>	<b>AVENUE NANNIES LTD</b>		
<b>Recommendation – APPROVE</b>			
<b>Members' Notes</b>			

### **Summary**

**This application seeks the change of use of the existing grade II\* listed Moot Hall situated within Daventry town centre into a children's day nursery (use class D1). The applicants have repeatedly advised that no physical alterations are proposed for the building, internally or externally to accommodate the proposed use. In light of these assurances it is considered that the setting and significance of the listed building, or Conservation Area will not be adversely affected as a result of the current proposal.**

**The proposed development would not be detrimental to the amenity of the adjoining occupiers and will not have an adverse impact on parking or on the road network given this town centre location and availability of existing public parking provision and public transportation links.**

**After careful consideration, it is considered the grade II\* listed building and Daventry Town Conservation Area will not be adversely affected as a result of this proposal and therefore this application is considered acceptable as it secures continued use of the heritage asset.**

**Therefore, this proposal complies with the Saved Daventry District Local Plan and with the West Northamptonshire Joint Core Strategy. This proposal is also considered to be compliant with the National Planning Policy Framework; the emerging and submitted Daventry District Settlements and Countryside Local Plan (Part 2) and to the Daventry Town and Parish Design Statement.**

### **Consultations**

**NCC\_Highways** – In respect of the above planning application, the Local Highway Authority (LHA) does not have any observations or requests to make.

**NCC Fire** – No representations received

**NCC Police** – Northants Police has no objection to the application for change of use of the building to a day nursery. It is unlikely to give rise to an increase in crime and disorder and will bring an empty landmark building back into active use.

**DDC Conservation** – I have no objections to the proposed new fence and gates within the garden and at the site boundary. They would not be out of keeping with the domestic character and appearance of the red brick cottages that adjoin the Moot Hall. However, I agree with you that simple metal railings would be better than a timber picket fence. If it's tucked behind the existing wall and vegetation it will be screened from view and will not affect the setting of the principal listed building. It's a shame we can't take the opportunity to improve the quality of the brick wall along the frontage. The patchy buff brick and concrete capping are detracting features.

Here are my thoughts about this application:

Under a pre-application enquiry the Planning Officer met the nursery manager to briefly discuss her proposals. I expressed my concern that a children's day nursery would not normally be the kind of use that would be most compatible with a historic public building of this character, status and significance. I was concerned about the most potential alterations that would be required to accommodate the proposed use and the impact they would have on the building and its prominent setting within the conservation area.

The current proposal does not involve any changes to the layout of the listed building. (I note that freestanding sound panels are proposed in the ground floor office. We do not have details of these so I cannot assess their impact). However, the approach that is taken by the nursery – to create a home from home – is more consistent with a domestic building. Dressing the rooms up with domestic furniture and feature, introducing curtains and domestic blinds to the windows, pictures and painting on the walls and children coat pegs, etc. Would all erode the formal civic character of the building. These are not, in themselves, changes to the fabric of the building that would require listed building consent, but they do have an impact (albeit temporary and reversible) on the significance of the building.

I'm surprised there is no requirement to meet the DDA regulations. Have you consulted Building Control? If this counts as a change of use there may be requirement to comply with building regulations. We need to understand the implications of this before any change of use is granted.

The fire safety letter that has been submitted only covers alterations to one door. At the pre-application meeting I requested that copy of the full fire safety inspection report and recommendations be provided to demonstrate that the existing layout and proposed uses on all floors have been found to be acceptable without the need for any alterations.

I have discussed the proposed hanging sign with the applicant. I have no objection to a hanging sign of traditional timber construction with painted finish being installed. However, I don't feel that the design of the sign (font and image style) is appropriate. It is important not to erode the formal civic character and appearance of the building. Traditional detailing and lettering would be required. The applicant has decided to omit the sign and rely on a freestanding sandwich board instead. Presumably this will be formally omitted this from the planning application? (Note: a sandwich board also has the potential to detract from the significance and setting of the heritage assets – for example by adding clutter to the street in front of the listed building and

compounding the impact of the existing signs outside the plume of feathers next door. Are there any controls on the display of sandwich boards?)

**DDC EHO** – In relation to the above application, I have no comment or objection however please find the following informative. (*Included within relevant section of this report*).

**Daventry Town Council** – The Town Council has reviewed the application and objects to the change of use of the building to a children's day nursery as the building and outside area is unsuitable for use as a children's day nursery.

Further to the representation from the applicant at the Town Council meeting held on Monday 16th December 2019, and in light of further information received the Town Council would like to withdraw its objection and is now supportive of this application.

**Cllr. Colin Morgan** – I support this application. I think many have seen the Moot Hall be used for various purposes. One I have never even thought of is a children day nursery.

I think it would be a good use for the property that will provide further provision in the town for child day care.

It may also bring more foot-fall into the town on that side of the High Street that could have further benefits as well as providing further inputs to keep the building good. Furthermore, later on, the children may well go on the cinema after their day at the nursery.

As a ward member I support this application.

Neighbours – No representations received

Site Notice – Expired 09/12/2019

## **Planning Policies**

Daventry District Local Plan (1997):

Policy GN1 - General

Policy GN2 – General

Policy EN2 – Conservation Areas

Policy EN42 – Design

Daventry Town and Parish Design Statement (2008):

Town Centre Principles

West Northamptonshire Joint Core Strategy (2014):

Policy SA – Presumption in Favour of Sustainable Development

Policy S1 – Distribution of Development

Policy BN5 – The Historic Environment and Landscape

Policy D1 – The Regeneration of Daventry Town

Planning (Listed Buildings and Conservation Areas) Act (1990):

Section 66 – General Duty as Respects Listed Buildings in Exercise of Planning Functions

Section 72 – General Duty as Respects Conservation Areas in Exercise of Planning Functions

National Planning Policy Framework (2019):

Section 12 – Achieving Well-Designed Places

Section 16 – Conserving and Enhancing the Historic Environment

Daventry District Settlement and Countryside Local Plan (Part 2) (emerging/submitted) (2019):

Policy EC1 – Vibrant Town Centre

Policy ENV7 – Historic Environment

Daventry Town Centre Conservation Area Appraisal and Management Plan (2017)

**Relevant Planning History**

- DB/74/36 – Toilet extension (listed building consent)
- DA/83/929LB – Change of use to heritage museum including alterations to ground floor (approved)
- DA/83/931LB – Change of use from municipal offices to heritage museum (approved with conditions)
- DA/84/0924 – Demolition of dangerous central chimney (listed building consent)
- DA/87/0052/LB – Lettering on porch to identify building (approved)
- DA/88/1664LB – Fixing of 2 metal free standing illuminated Urbis hanged information points outside, fixing one non-illuminated hanging sign on Moot Hall (approved with conditions)
- DA/91/0997/LB – Alternations to existing period doors and doorways to provide half hour fire protection and retrospective application for secondary glazing to 3 No. attic windows (approved)
- DA/92/0132/DP – Change of use to office and storage space (approved with conditions)
- DA/92/0940/LB – Timber staircase access from the Moot Hall into adjoining cottage (approved with conditions)
- DA/92/0968/DP – Change of use from residential to museum and store (approved with conditions)
- DA/95/0030/LB – Fix 4 No. mild steel brackets to outside of building to attach hanging basket (approved with conditions)
- DA/96/0604/A – Internally illuminated bus sign in window (approved with conditions)
- DA/98/1212 – Extensions and alterations (withdrawn)
- DA/98/1213/LB – Internal alterations to Moot Hall, museum, alterations and extensions to 1 and 2 St Johns Square (Withdrawn)
- DA/99/0615 – Extensions and alterations (revised scheme) (approved with conditions)
- DA/99/0616/LB – Proposed internal alterations to Moot Hall museum and alterations and extensions to Nos. 1 and 2 St Johns Square (revised scheme) (approved with conditions)
- DA/2002/0890/LB – Remove heating system and replace with environment controlled system (approved with conditions)
- DA/2004/0727 – Change of use to dwellings (approved with conditions)
- DA/2005/0462 – Change of use to form restaurant, minor external alterations (approved with conditions)
- DA/2005/0463/A – Externally illuminated hanging signs, 2 No. externally illuminated menu boards, non-illuminated applied lettering on porch fascia (approved with conditions)
- DA/2005/0674/LB – Internal alterations to ground and first floor to accommodate change of use from museum to restaurant, new external signage and lighting (approved with conditions)
- DA/2006/0262/LB – LBC for replacement of rear service stairs. Installation of kitchen extractor flue and alterations to main entrance doors (approved with conditions)
- DA/2006/0620/LB – Structural alterations to roof over clock room, reinstatement of cupola and relocation of clock mechanism within clock room (approved with conditions)
- DA/2010/0680 – Change of use from class A3 (restaurant) to class A2 (financial and professional services) (approved with conditions)

**Observations**

Site:

The proposal site is a grade II\* listed building, dating from the mid-18th century. The eastern side of the building adjoins the Plume of Feathers Public House, which is also a listed building, and the other side to Chapel Lane. To the rear is a brick extension, two former brick cottages and a grassed garden area. Chapel Lane provides access to parking facilities and to St. John's Square which is located to the rear of the proposal site.

The front *elevation of Moot Hall* is ashlar with red brick on the side elevation and to the rear. The principal entrance to the building is located on the side elevation fronting Chapel Lane where there is a porch providing covered access. The site is surrounded by buildings of various uses due to the nature of being located within the town centre.

The application site is located within the town centre Conservation Area and is surrounded by various listed buildings, including the Plume of Feathers Public House to the immediate east and the Burton Memorial to the south.

Policies:

Saved Daventry District Local Plan policies GN1 and GN2 are overarching policies setting the criteria all development will normally be expected to comply with. Policy GN1 states development proposals should make proper use of disused or underutilised land and buildings; concentrate development in or closely associated with the large and small towns and ensure that it is accessible by public transport where appropriate. Policy GN2 stresses that the proposal must be of a type, scale and design in keeping with the locality and does not detract from its amenities.

Satisfactory means of access and sufficient parking facilities must be available for all proposal sites to ensure the road network is not adversely affected. Furthermore, the proposal should not adversely affect a Conservation Area or a building listed as being of architectural or historic interest and their setting.

Policy EN2 has regard to Conservation Areas. Planning permission for development within Conservation Areas will be granted provided that the development preserves or enhances the character of the area. Special consideration will be given to the environmental implications of the development of vacant sites and the redevelopment of existing building. Proposals for development should not intrude into the setting of important buildings. Development should reflect the general architectural character of the existing buildings with buildings being closely related to the character of the Conservation Area in scale. Proposals for the alteration or repair of buildings should be sympathetic to the character and appearance of the building and the Conservation Area.

Policy EN42 sets out the design guidelines all proposals must adhere to. Designs must promote or reinforce local distinctiveness and enhance their surroundings, and take account of local building traditions and materials. The scale, density, massing, height, landscape, layout and access of the proposal must combine to ensure that the development blends well within the site and with its surroundings. Finally, existing landscape attributes of the site must be incorporated within the layout wherever practicable and combine with proposed landscaping and open space to ensure that the developments environmental impact is minimised.

The Daventry Town and Parish Design Statement has an objective to analyse the character of the Parish and create a Design Statement that will have a positive influence on any future changes in Daventry by encouraging sustainable development. It is hoped that this Statement will strengthen the town and Parish identity and encourage sustainable development.

The Town Centre principles state any development within the town should be well integrated. Additionally, current buildings of listed and historic features should be retained and enhanced where possible.

The West Northamptonshire Joint Core Strategy is an adopted policy document which replaces a number of Saved Policies from the Daventry District Local Plan. Relevant to this proposal is policy SA, which has a presumption in favour of sustainable development.

Policy S1 sets out the approach to the distribution of development. Appropriate development of a lesser scale should be located in and adjoining the sub-regional centre of Daventry town. In assessing the suitability of sites for development, this policy states priority should be given to making best use of previously developed land and vacant and under-used buildings in urban or other sustainable locations.

Policy BN5 focuses on the historic environment and landscape. Designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire's local distinctiveness and sense of place. In order to secure and enhance the significance of the area's heritage assets and their settings and landscapes, development in areas of landscape sensitivity and/or known historic or heritage significance will be required to:

Sustain and enhance the heritage and landscape features which contribute to the character of the area, including Conservation Areas; sites of known or potential heritage or historic significance; and locally and nationally important buildings, structures and monuments.

Demonstrate an appreciation and understanding of the impact of development on surrounding heritage assets and their setting in order to minimise harm to these assets;

Be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place.

The retention and sensitive re-use of disused or underused heritage assets and structures is encouraged in order to retain and reflect the distinctiveness of the environment, contribute to the sense of place and promote the sustainable and prudent use of natural resources.

Policy D1 addresses the regeneration of Daventry town. Retaining existing employment areas and encouraging their regeneration and renewal is supported, along with the creation of new employment provisions. The creation of additional services and facilities within the town centre is also supported.

The National Planning Policy Framework (NPPF) set out the Government's planning policies for England and how these should be applied. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Section 12 of the NPPF outlines the design principles all development proposals must follow in order to achieve well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Planning policies and decisions should ensure that developments:

- Function well and add to the overall quality of the area over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history;
- Establish or maintain a strong sense of place;

- Optimise the potential of the site; and
- Create places that are safe, inclusive and accessible and which promote well-being, with a high standard of amenity for existing and future users.

Section 16 of the NPPF seeks to conserve and enhance the historic environment. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset, from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, notably grade II\* listed building should be wholly exceptional. Paragraph 200 states local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset, or which better reveal its significance should be treated favourably.

The Planning (Listed Buildings and Conservations Areas) Act sets out statutory controls in respect of buildings and areas of special architectural or historic interest. Section 66 sets out the general duty that a local planning authority must have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. Section 72 sets out the general duty to Local Planning Authorities in respect of Conservation Areas in the exercise of planning functions. The Local Planning Authority must have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

Daventry District Councils emerging and submitted, Settlements and Countryside Local Plan (Part 2) vision is that the District will form a choice of diverse employment opportunities, high academic attainment, high quality housing and provide a superb quality of life for its communities.

Policy EC1 seeks to support a vibrant town centre. Within the Daventry town centre boundary, development proposals for main town centre uses will be supported where they:

- Contribute to the vitality and viability of the town centre and do not have an adverse impact on the vitality and viability of other centres; and
- Are directly related to the role and function of the centre and its catchment area in terms of its scale and type; and
- Contribute to the provision of a safe environment; and
- Do not result in insufficient car parking or car parking of poor quality; and
- Provide an active frontage and be open for business during the day.

Policy ENV7 relates to the historic environment. High quality proposals are sought which respond positively to their context by reinforcing local distinctiveness including street pattern, siting, form, scale, mass, use, materials and architectural features. Proposals which preserve or enhance key views of heritage assets and key views into and out of Conservation Areas will also be supported, along with proposals that make a positive contribution to, or which better reveal the significance of designated heritage assets.

The Daventry Town Centre Conservation Area Appraisal and Management Plan states the proposal site is situated within the 'historic core' of Daventry town centre. The majority of building within the historic core date from the seventeenth to the nineteenth century with a range of periodic styles. The rear boundary wall which fronts Chapel Lane and St. John's Square is considered as an 'important wall' with the site also consisting of a local list asset.

**Proposal:**

This application seeks permission for the change of use of the existing Moot Hall into a children's day nursery. The most recent permission for the site was for Class A2 (Financial and Professional Services), and this application now seeks the site to be used within Use Class D1.

The proposed children's day nursery will provide childcare and education services for children from 3 months up to 11 years of age, in the before and after school club which has been proposed to operate alongside local school provisions. The children's day nursery will see care and education split across the ground and first floor of the building, with the second floor allocated for staff training and the third floor for storage facilities associated with the proposed use.

Due to the location of the application site, the aim of the proposed nursery is to incorporate local events into their programme to allow for interaction with the community and better integration with town life.

No physical alterations internally or externally are proposed within the application as the use of free-standing panels has been proposed and the applicants advise that the existing layout is considered appropriate for the proposed use. Muted colours have been proposed and 'homely' furniture to create a home from home setting. Signage which was proposed to be fixed to the building and fencing within the existing rear boundary wall was initially proposed, however these aspects of the application have since been removed.

**Main Considerations and Issues:**

Moot Hall lies within the Daventry town centre where planning policy is generally supportive of appropriate uses in what would be regarded as a sustainable location. The site is surrounded with sufficient public parking facilities to the rear of the site and is served by public transport making it accessible for many. Accordingly the proposed use of a children's day nursery is considered as an appropriate use within this area which is located within a sustainable location.

The proposed use will also see approximately 15 full time staff hired. This will create additional jobs within the local community enhancing the local economy. The creation of new jobs and the proposed use has the potential to bring new people into the town centre environment.

This is a grade II\* listed building of architectural merit which is a key building within the town centre and notably situated within the historic core. No physical alterations to the building have been proposed which will allow the building to remain in its existing form, reducing the impact upon its significance and setting. Planning policy is also supportive of introducing appropriate uses to disused or redundant buildings, including listed buildings to ensure they are conserved and enhanced appropriately. It is felt this use is an appropriate use for the existing listed building and its location within the town centre is considered sustainable and the grade II\* listed building and Conservation Area will not be adversely impacted as a result of this application.

Concerns have been raised by the Conservation Officer in relation to the internal design and the use of furnishings. This falls outside of the planning remit and it should be noted that no physical alterations have been proposed, except for the insertion of a fire door in accordance with Northamptonshire County Council Fire and Rescue Service within an existing door opening. An informative has been provided for the decision notice to remind the applicant that any physical alterations, internal or external to the building may require listed building consent and/or planning permission and therefore they should engage with the Local Authority for any enquiries.

In accordance with the National Planning Policy Framework, the applicant was given the opportunity to work proactively with the planning authority to achieve a positive outcome. In this instance, concerns were raised in regards to the proposed signage and fencing elements and their appropriateness within the town centre setting and within the curtilage of a grade II\* listed building. To ensure the site and local area was not adversely affected, these elements have been removed from the proposal.

### **Advice**

That the application should be APPROVED subject to the following conditions:-

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with drawings Existing Ground Floor Plan, Main Building, Page 1; Existing Ground Floor Plan, Cottages, Page 2; Existing First Floor Plan, Main Building, Page 3; First Floor Cottages, Page 4; Existing Second Floor Plan, Main Building, Page 5; Existing Third Floor Plan, Main Building, Page 6; registered valid 1 November 2019.**
- 3. The premises shall be used for a children's day nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

### **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.**
- 3. In the interests of the local amenity and to allow the Local Planning Authority the opportunity of assessing the impact of alternative proposals on the significance of the heritage asset as well as on the immediate town centre environment.**

### **NOTES**

- 1. Any internal or external alterations to the building may require Listed Building Consent and/or planning permission.**

- 2. Advertising on the building may require consent under the Advertisement Regulations and the applicant is advised to contact the Local Planning Authority for advice on signage proposals.**
- 3. Should consent be given the applicant is reminded that the premises must be registered with Environment Health at least 28 days before opening. Further information regarding food safety and hygiene can be obtained by contacting Daventry Health Protection Team on 01327 871100 or website link:  
<https://www.daventrydc.gov.uk/business/environmental-health/setting-up-and-running-a-food-business/>**
- 4. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

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

<b>Application</b>	<b>DA/2019/0960</b>	<b>Case Officer</b>	<b>S HAMMONDS</b>
<b>Parish</b>	<b>ARTHINGWORTH</b>		
<b>Date Valid</b>	<b>12 NOVEMBER 2019</b>		
<b>Location</b>	<b>KHELIDON, OXENDON ROAD, ARTHINGWORTH, NORTHAMPTONSHIRE, LE16 8LB</b>		
<b>Development</b>	<b>SINGLE STOREY SIDE EXTENSION</b>		
<b>Applicant</b>	<b>MR B MASSON</b>		

**Recommendation – Approve**

**Members' Notes**

### **Summary**

**The proposal for a small single storey extension would not adversely impact on the special landscape area, on the character of the area, on residential amenity or on highway safety. The proposal accords with the relevant policies of the development plan and so should be approved without delay, in accordance with NPPF paragraph 11.**

### **Consultations**

**Arthingworth Parish Council** – Strongly object for the following reasons:

There has already been considerable development on this plot and the proposed extension would be overdevelopment

The wall of the proposed extension is too high for the narrow lane

A solid high wall would be overbearing on neighbours

The extension wall seems to form the boundary and councillors feel that it is not desirable to have a dwelling wall form part of the boundary

Any maintenance to this part of the house will have to take place on the communal driveway and would restrict access to neighbouring properties

The proposed extension is not in keeping with the rural aspect of the village

The Parish Council is also concerned about the number of properties using the unadopted road to reach car parking spaces. Originally all cars accessed the property from Oxendon Road. It would appear that if this application is granted they will have to use the unadopted road.

(NB: this is not part of the current application).

**Neighbours** – One letter from a neighbour.

Not opposed to the extension in principle but feel the size and positioning of the proposal would have an enormous impact on the neighbouring dwelling. The 2.3m high brick wall in front of our windows would be an unacceptable 'in your face' intrusion. The width should be reduced.

### **Planning Policies**

West Northamptonshire Joint Core Strategy Local Plan (Part 1)  
R1 – Rural Area

Saved Policies from the Daventry District Local Plan (1997)  
GN2 – General  
EN1 – Special Landscape Areas  
EN42 – Design

Draft Local Plan - Settlements and Countryside (Part 2) for Daventry District  
RA3 – Other Villages  
ENV2 –Special Landscape Areas  
ENV10 - Design

NPPF 2018  
SPG - Designing House Extensions  
Arthingworth Village Design Statement

### **Relevant Planning History**

NMA/2019/0045 – Amendment to layout of front garden and parking. Approved.  
NMA/2019/0013 – Amendment to brickwork detail and rear dormer. Approved.  
DA/2018/1113 – Two storey side extension in place of garage. Approved.  
DA/2018/0765 – Part garage conversion (retrospective). Proposed link from garage to dwelling and balcony. Approved 26/10/18.  
DA/2015/0660 – Outline for single dwelling. Refused and dismissed on appeal.  
DA/97/0641 – Rebuild rear extension, extend garage, pitched roof, dormer window. Approved.  
DA/79/451 – Erection of garage. Approved.  
BRX/59/115 – Bungalow. Approved.

### **Observations**

The application site is located within but at the very edge of the village confines of Arthingworth with open countryside to the west. There are no listed buildings or conservation areas in the immediate vicinity but the whole village falls within the special landscape area. Khelidon is a recently extended dwelling that has been transformed to a modern style family dwelling from the former 1960s style bungalow.

The current application is for a modest single storey side extension to the eastern side of the dwelling to provide a utility area. The plan has been amended during the course of the application to change from a brick extension to a dark stained timber boarding finish and to reduce the width slightly, taking it away from the boundary line with the adjoining communal driveway and allowing some room for soft landscaping. The eaves and ridge height of the extension would be 2.3m and 3.1m respectively, the roof being largely flat with a partial pitched roof detailing to the edges in matching tile.

## Design and Visual impact

The revised design of the side extension would be very modest both in scale and in appearance, and this along with the set back from the front building line serves to give the impression of a subservient add-on, which is what a well-designed extension should do. The dark-stained timber and matching roof tiles will be in keeping with the new character of the main house. As viewed from the side access road the proposal would appear as a functional garden building that can be screened / softened with planting to ensure an acceptable character for the neighbouring residential area.

Representations have said that this proposal is overdevelopment, due to the degree to which the house has already been extended. However, the plot is clearly capable of accommodating this modest extension in a relatively underused corner of the site and the substantial front and rear gardens would not be affected, nor would the provision of off-road parking. Therefore, overdevelopment is not a justifiable reason to resist this proposal.

The proposal would not have an adverse impact on the character of the area or the wider special landscape area. Overall the design and visual appearance of the extension would be acceptable and in line with saved policy EN1, EN42, draft policies ENV2, ENV10 and guidance in NPPF.

## Impact on amenity

The extension would have no direct overshadowing or overbearing impact on any neighbouring properties. The eaves height is only marginally higher than a standard 2 metre boundary fence that could be erected under permitted development. In addition, by setting the side elevation away from the boundary and allowing for soft landscaping, any perception of the proposal being 'in your face' will be significantly lessened.

There are no concerns about overlooking or loss of privacy from the extension. The only windows are on the front and rear elevations which look only onto the private garden of the application site. No windows are proposed to the side, and a condition is recommended to ensure that this remains the case.

Overall there would be no adverse impact on residential amenity, in accordance with policy R1(d) and draft policy RA3.

## Parking and access

The extension proposed in the current application does not have any impact on the space available for parking nor does it affect the access. There are no highways or parking issues that arise from the construction of the extension.

Representations have referred to the applicant's newly laid out parking area in the rear garden that is accessed via the shared private driveway. A gate to enable the applicant to access this area of his land has long been in place and the hardstanding that has been laid would not have required planning permission.

The need to use a shared access to carry out maintenance work is not a planning matter, but a matter to be handled in agreement and co-operation with the relevant affected parties under civil law.

Overall there would be satisfactory access, sufficient parking and no adverse impact on highway safety or upon users of the adjacent public rights of way, in accordance

with saved policy GN2.

## **Conclusions**

The proposal for a small single storey extension would not adversely impact on the special landscape area, on the character of the area, on residential amenity or on highway safety. The proposal accords with the relevant policies of the development plan and so should be approved without delay, in accordance with NPPF paragraph 11.

## **Advice**

That the application should be approved subject to the following conditions:

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the amended plans reference 1968-21A deposited with the Local Planning Authority on 18/12/19.**
- 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.**
- 4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed.**

### **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure that the development is carried out in accordance with agreed amendments.**
- 3. In the interests of visual amenity and to ensure that the materials are appropriate to the appearance of the dwelling.**
- 4. To safeguard the amenities of nearby residents.**

### **NOTES**

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

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

<b>Application</b>	<b>DA/2019/0999</b>	<b>Case Officer</b>	<b>MRS K DANIELS</b>
<b>Parish</b>	<b>MOULTON</b>		
<b>Date Valid</b>	<b>22 NOVEMBER 2019</b>		
<b>Location</b>	<b>THE CHRIS MOODY CENTRE, PITSFORD CENTRE, PITSFORD ROAD, MOULTON, NORTHAMPTONSHIRE</b>		
<b>Development</b>	<b>CHANGE OF USE FROM D1 (SPORTS INJURY &amp; REHABILITATION CENTRE) TO D2 (LEISURE CENTRE) WITH SINGLE STOREY REAR SPA ACCESS LINK EXTENSION AND EXTENSION TO CAR PARK</b>		
<b>Applicant</b>	<b>DAVENTRY DISTRICT COUNCIL</b>		

**Recommendation – Approve**

**Members' Notes**

### **Summary**

The proposal will result in a change of use of an existing sports injury and rehabilitation centre use class D1 to a leisure centre open to the general public, use class D2. The alterations to the building consist of a rear extension to form a link between the health suite/spa to the pool. The proposal also includes the extension to the existing car park to create an additional 146 spaces. The alterations will be seen in context of the existing complex which is known as the Pitsford Centre, associated with Moulton College. Overall the change of use is considered to be acceptable, and will not have an adverse impact on the wider locality, in accordance with Saved Local Plan Policies, GN2, EN42, West Northamptonshire Joint Core Strategy Policies SA, RA6 and RC2, CS2 of Moulton Neighbourhood Plan and having regard to the emerging part 2 Countryside and Settlement Local Plan Policies ENV10 and CW1, and paragraphs 92, 96, 97, 109 of the Framework and the Open Space Study.

### **Consultations**

**Moulton Parish Council** – We recommend approval of the above application as this will be an asset to Moulton.

However, there are some observations we would like to make.

1. We feel that a Sports Hall should be included in the plan, in common with other Leisure centres in the county, which would enable a comprehensive range of activities to be offered to the public such as gymnastics sessions, trampolining,

basketball, netball, badminton, and five a side football. This would make it a Leisure Centre rather than a pool complex. There is space for this to happen on the land allocated.

2. The Transport Statement and Travel Plan need modifications.

The footpath and cycle route identified in figure 3.5 goes through the private land on Moulton College campus and there is no public right of way. At times, notably during holidays the gates are locked and the footpath is inaccessible. This is also only a footpath, not a cycle path. There is no footpath on Pitsford Road. A public footpath would be needed, as would a cycle path.

In 3.10 it mentions public transport. There is no bus service along Boughton Road in Moulton. The No 58 bus mentioned does not run through Moulton village but goes through Moulton Park (Industrial Estate) approx. two and a half miles away.

3. Monitoring with regard to car sharing and sustainability it is not clear who will organise these green improvements and most importantly whose responsibility it is to monitor the improvements. 10.7 states that targets will be set. Who will monitor the targets? We have found from experience of other developments in Moulton that improvements do not happen and they are not in any case monitored.

**Crime Prevention Design Advisor (CPDA)** – Northants Police has no objection to the change of use of the building to a public leisure centre but considers that not enough attention has been paid to the potential for nuisance associated with the new enlarged car park.

Centres of this nature without any access control barrier system are used by young people as places to congregate and cause nuisance especially in the evening. It is therefore recommended that the barriers already in existence are not removed but upgraded to a system which is able to control access when necessary as well as being able to be adequately secured at night. In addition it would be sensible to install height restriction barriers to reduce the potential for unauthorised encampments.

The car parking should be under the supervision of the reception staff with CCTV cameras covering the area and being monitored from reception.

**Northamptonshire County Council (Local Highways Authority) – Original comments:**

In respect of the above planning application, the local highway authority (LHA) has the following observations and comments to make;

**Transport Statement**

The Transport Statement (TS) has been reviewed and the LHA wishes to raise the following issues;

A future year of 2031 is required by this authority, not 2024 as currently demonstrated.

Collision data must be obtained directly from Northamptonshire Highways for the most recent 5 years. Crashmap data is not accepted by this authority as it is not up-to-date.

These matters were confirmed with the applicant's consultant during the scoping of the TS (email attached).

**Pedestrian Route from Moulton Village**

The LHA notes the suggested pedestrian route from Moulton Village centre to the site. The LHA would ask the local planning authority ensure that the route is adequately signed to promote and encourage use of this facility. There is currently no

safe and segregated pedestrian/ cycle route from the village to the site using the public highway.

Travel Plan

The submitted Travel Plan has been sent for review and comments will be provided in due course.

Amended comments: The only outstanding matter from the LHA is the travel plan which is currently unapproved.

**DDC (Environmental Health – Community)** – Have no objections for the proposed change of use at The Chris Moody Centre. The internal works and small extension at the rear are unlikely to cause issues to residential receptors due to the distances involved.

The Lighting proposal for the extended car park will add extra lighting to that already on site but distance from residential receptors should mean that it is unlikely to affect anyone. If this is not the case and complaints are received we can deal with that under existing Environmental Health nuisance legislation.

**Sports England** – Comments awaited

**Neighbours** – No letters of representation has been received to date.

### **Planning Policies**

Saved Local Plan Policy (1997)

GN2

EN42

West Northamptonshire Joint Core Strategy (2014)

SA

RC2

R2

Moulton Neighbourhood Plan (2016)

CS2

National Planning Policy Framework (2019)

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Emerging Policy – Part 2 Countryside and Settlement Local Plan

ENV10

CW1

RA6

Open Space Study (2017)

### **Relevant Planning History**

DA/2010/0047 – Sports injury and rehabilitation centre building and associated car parking. Approved. Unilateral undertaking.

DA/2017/0840 – Lawful development certificate (proposed) for installation of solar PV system to roof of existing college building (Pitsford Centre – Chris Moody). Approved.

## Observations

The application site lies north of the Pitsford Centre and is under the ownership of Moulton College. The application site lies north of the sports pitches and east of the existing flood lit all weather hockey pitch, which are part of the Moulton College sporting facilities. The building is currently being used as a sports injury and rehabilitation centre. The building is L-shape in form having solar panels on the roof. The plant area for the existing pools is located to the north of the building. The parking area is located to the east and north of the building. To the north of the car parking area is a paddock. The athletics track is located to the north of the paddock area.

The proposal is for the change of use of the building to a leisure centre (Use Class D2) with a single storey rear extension and an extension of the existing car park. No other alterations are proposed to the external elevations. The proposed leisure centre will provide the following facilities; two fitness studios, fitness suite, pool, two hydro pools, health suite and spa and changing facilities. The car park area will be extended to the north and east of the existing car park. The proposal seeks to extend the parking area to 190 spaces and also includes the provision of lighting.

## Policy

Applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The development plan consists of the Saved Local Plan Policies and the West Northamptonshire Joint Core Strategy (WNJCS) and the Neighbourhood Plan for Moulton. Other material considerations include the National Planning Policy Framework (NPPF) and the emerging Part 2, Countryside and Settlements Local Plan. The plan has undergone its examination, and consultations on modifications have taken place. Weight can be attached to these policies, and greater weight can be attached with modifications which have limited changes or no changes.

Saved Local Plan Policy GN2 allows for development provided; is of a type, scale and design in keeping with the locality and does not detract from its amenities (A); has satisfactory means of access and has sufficient parking facilities (B); will not have an adverse impact on the road network (C); can be provided with the necessary infrastructure and public services and be served by public transport where appropriate (D); will not adversely affect a conservation area or a building listed as being of architectural or historic interest and their setting (E); will not adversely affect sites of nature conservation, geological or archaeological importance or the settings of archaeological sites (F); will not adversely affect a special landscape area (G); has full regard to the requirements of agriculture and the need to protect the best and most versatile agricultural land from development which is irreversible (H).

Saved Local Plan Policy EN42 seeks to promote design, this allows for development provided; designs promote or reinforce local distinctiveness and enhance their surroundings (A); Designs take account of local building traditions and materials (B); and the scale, density, massing, height, landscape, layout and access of the proposal combine to ensure that the development blends well within the site and with its surroundings (C); and crime prevention measures are incorporated in the site layout and building design (D); and existing landscape attributes of the site are incorporated within the layout wherever practicable, and combine with proposed landscaping and open space to ensure that the development's environmental impact is minimised (E).

#### West Northamptonshire Joint Core Strategy

Policy SA is a policy which has a presumption in favour of sustainable development.

Policy C2 seeks to mitigate developments effects in the highway network, and should be supported by a travel plan and transport statement.

Policy RC2 seeks to restrict the loss of community facilities, including built sports facilities.

#### Moulton Neighbourhood Plan

Policy CS2 seeks to ensure existing local services and community facilities should be retained.

#### Other Material Considerations

##### Emerging Part 2 Settlements and Countryside Local Plan

Policy SP1 relates to the spatial strategy for Daventry District. There are some modifications proposed to this policy, however these modifications are limited. Therefore greater weight can be attached to this policy. Criterion G seeks to protect and enhance the built and natural environment.

RA6 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. Development in the open countryside will only supported for agriculture, equestrian, forestry, leisure, community or tourism use that is justified and of an appropriate scale for its location, and has no significant adverse impacts on its character, beauty and tranquillity (viii).

Policy ENV10 relates to design. This policy also has some modifications proposed. However these modifications are minor in nature, therefore greater weight can be attached to this policy. In addition ENV10 is very similar to Saved Local Plan Policy EN42.

CW1 relates to health and wellbeing. This seeks to promote health and wellbeing, including active and healthier lifestyles for all age groups. The provision of new community facilities should be designed according to Sport England and national governing body guidelines (A.ii.b). There are some alterations, however again these are minor, and do not alter the overall aim of the policy. Therefore it is considered greater weight can be attached to these policies.

#### National Planning Policy Framework

Chapter 8 relates to promoting healthy and safe communities. Paragraph 91 policies and decisions should aim to achieve healthy, inclusive and safe places. Paragraph 92 relates to providing the social, recreations and cultural facilities and services the community needs. Paragraph 98 seeks to take opportunities to provide better facilities for users.

#### Open Space and Recreation Study

This document gives supporting information to the policies contained within the emerging part 2 Settlements and Countryside Local Plan. This states that there is a need for a new leisure centre to the east of the District.

### **Assessment of the Application**

The main considerations of this application are the following:

The principle of development

Highway Safety

Impact on the character and appearance of the locality

The Principle of development

The proposal seeks to change the use of an existing building to a leisure centre. The existing use is similar to the proposal, but will be for public use. The existing use is quite specific to sports injury and rehabilitation. It is considered the change of use will ensure the facilities are provided for the health and wellbeing of the existing residents in the immediate and wider vicinity. The Open Space Study has shown a need for a new leisure centre in the east of the district, however it is envisaged that this would be at the Moulton School and Science College.

The Neighbourhood Plan promotes a sporting quarter within the village (Policy CS3) however this is located on a different site (Moulton School and Science College), as does the Open Space Study. The change of use of the Chris Moody centre is not within the sporting quarter as allocated within the Neighbourhood Plan. Although this may not be the case, it is clear within the Neighbourhood Plan the Parish is supportive of a leisure centre being provided within the village. In addition a new leisure centre is no longer being considered in that location.

Concern has been raised regarding the requirement for other sporting services to be provided within the facility. Although this is noted, it is considered the application seeks to provide a new leisure centre which is required for the locality. However additional services may be provided in the future, it is considered the proposal provides a leisure facility which is required in the locality, as demonstrated within the Open Space Study. There is potential (subject to planning) the facility could be extended and enhanced in the future.

Policy RC2 allows for the provision of a new facility provided it is supported by a long term maintenance and management plan. The running of the leisure centre will be similar to the way in which Daventry's leisure centre is run. It is anticipated a provider in conjunction with Daventry District Council will run the centre to ensure the leisure centre is managed in the long term.

Overall it is considered the principle of the change of use to a leisure centre should be supported, as there is a clear indication of the need for such a facility within the locality. The proposal is therefore in accordance with Saved Local Plan Policy GN2, West Northamptonshire Joint Core Strategy Policy RC2 and having regard to paragraphs 92, 96 of the Framework and Policies RA6 and CW1 of the emerging Part 2 Settlements and Countryside Local Plan.

Highway Safety

The site is located within the Pitsford Road Campus of the existing college complex; however the change of use will attract a greater number of users. Therefore there is

a potential the change of use could result in a detrimental impact to highway safety. The applicants have undertaken and Transport Assessment as well as a Travel Plan. The proposal seeks to increase the amount of parking spaces from 44 to 190 to accommodate the additional users.

The Transport Assessment has been considered by the Local Highway Authority (LHA), and following an amendment, the LHA are content with the proposal, and the development is unlikely to result in a detrimental impact to the highway network.

The existing footpaths within Moulton College will be able to be used by the users of the leisure centre. These paths will not become public rights of way, but it will allow for the users the option to use other means of transportation.

The main concern regarding the impact on the highway network is the travel plan. At the time of writing the report, there are still a number of issues that need to be resolved for the LHA to agree to the Travel Plan. The applicants are currently in negotiation with the LHA to overcome these issues. Further details will be reported as late representations.

Overall it is unlikely the development will result in a danger to those using the highway, and as long as the travel plan is agreed by the LHA the change of use is considered to be acceptable in highway terms. The proposal is therefore considered to be in accordance with West Northamptonshire Joint Core Strategy Policy RC2, and having regard to policy CW1 of the emerging part 2 Settlement and Countryside Local Plan, the Framework paragraphs 92, 96, 97 and the Open Space Study.

#### Impact on the character and appearance of the locality

The site is located within the open countryside; however it is part of the existing Moulton College (Pitsford Centre). The only alteration to the building itself is an extension to the rear of the site to include a link from the spa to the swimming pool. This measures, 17m by 3m and is single storey in height. The proposal also includes the extension of the car park to create in total 190 spaces.

The ground level behind the extension to the building is located in a dip, and it will not be seen from public vantage points. The materials will consist of a new brick plinth with glazing and metal flashings to roof verge. The extension is considered to be in keeping with the building.

The car parking will be visible from the entrance of the site, as it will be located on a higher level than the existing car park. Lighting is also proposed on the parking area. The proposal includes the planting of vegetation to reduce the overall impact on the locality. The parking area is located to the south of the athletics track which has floodlights. Therefore it is considered the development will not result in a detrimental impact to the character of the locality.

The car park will be seen in context within its setting, therefore not having a detrimental impact upon the appearance of the locality. The proposal is considered to be in accordance with Saved Local Plan Policies GN2 and EN42 and policy ENV10 of the emerging Part 2 Settlement and Countryside Local Plan.

#### Other considerations

#### Financial *considerations*

In determining the application, consideration has to be had to the financial implications of the proposed development. The proposal will create an additional visitor attraction and will generate income for the Council; as well as job opportunities; therefore the proposal will result in financial benefits for the locality, as well as the Local Authority. Limited weight had been given to these financial considerations.

#### Crime Prevention

The Crime Prevention Design Advisor (CPDA) does not have any objection to the proposal, however has raised a concern regarding the parking area. The CPDA considers the car parking area should have CCTV, which is linked to the building, so staff can monitor the comings and goings. It is considered a condition can be imposed to ensure CCTV is installed in the interest of crime prevention.

Provided a condition is imposed, the proposal incorporates crime prevention, in accordance with Saved Local Plan Policy EN42 and having regard to Policy ENV10 of the emerging Part 2 Settlement and Countryside Local Plan.

#### Additional services

Concern has been raised regarding the requirement for other sporting services to be provided within the facility. Although this is noted, it is considered the application seeks to provide a new leisure centre which is required for the locality.

#### Conclusion

The proposed change of use is considered to be acceptable and will not have an adverse impact to the character and appearance of the locality. It is considered the proposal will provide leisure facilities which are required in the vicinity. Overall the proposal is considered to be in accordance with Saved Local Plan Policies GN2, EN42, West Northamptonshire Joint Core Strategy SA, RC2, and Policy CS2 of Moulton's Neighbourhood Plan, and having regard to paragraphs 92, 96, 109 of the Framework and Policies RA6, CW1, and ENV10 of the emerging Part 2 Settlements and Countryside Local Plan.

#### Advice

Subject to the Travel Plan being approved, the application should be approved subject to the following conditions:-

#### CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the amended plans reference A1047/2011 Rev A, A1047/2021 Rev A, A1047/1032, A1047/3002, A1047/3003 deposited with the Local Planning Authority on 22 November 2019.**
- 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.**
- 4. Prior to the first use of the building details of the landscaping and its future management shall be submitted to and approved in writing by the**

**Local Planning Authority. The landscaping shall be implemented within the first planting season following approval of the landscaping details.**

- 5. Prior to the first use of the building, details of crime prevention measures, including CCTV shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed prior to the first use.**
- 6. Prior to the first occupation of the building, details of the footpath link through Moulton College shall be submitted to and approved in writing by the Local Planning Authority. The approved link shall be available to users of the Leisure Centre prior to its first use.**

#### **REASONS**

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure that the development is carried out in accordance with agreed amendments.**
- 3. In the interest of visual amenity and to ensure the materials are appropriate to the character and appearance of the locality.**
- 4. In the interest of visual amenity and to ensure the landscaping is in keeping with the locality**
- 5. In the interest of visual amenity and to ensure crime prevention measures are incorporated within the scheme.**
- 6. In the interest of highway and pedestrian safety, to ensure there is a sustainable footpath link between Moulton and the Leisure Centre.**

#### **NOTES**

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

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

Report Reference: P.150120/1