Application Number : S/2016/0574/MAF        Parish : Roade
Application expiry date : 9 June 2016

Case Officer : Mark Turner-Heslington

Applicant : Orbit Homes (2020) Ltd

Location : Former Chaplins Transport Ltd
           Stratford Road Roade NN7 2NJ

Description : Erection of 18 dwellings

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT AT THE END OF THIS REPORT

S/2016/0574/MAF

WARD : Blisworth & Roade
WARD MEMBER : Cllr Stephen Clarke & Cllr Hywel Davies
REASON FOR REFERRAL TO COMMITTEE:

1. APPLICATION SITE

1.1 The application site comprises part of the former Chaplin's Transport Haulage Yard which previously incorporated a significant area of hard standing and large buildings associated with the former haulage yard operation which benefit from Outline Planning Permission for B1 Office Use. The site (the subject of the current application) alongside much of the wider development site currently under construction, includes an area of greenfield land to the south of the haulage yard and east of the A508 Stratford Road, Roade. The wider site is currently undergoing residential development, implementing the consented residential consent with the employment buildings being used as ancillary to the residential development during construction (site office, materials store etc).

1.2 The site is bound to the north by the existing public footpath (KZ8) and access driveway to the Swannings. The modern Walkers Way housing development and the Service Station site on Stratford Road are also situated to the north of the site and an existing residential property lies within the north western corner of the site outside of the red line application area.

1.3 To the east of the site, the land falls away and comprises a wooded area of mature trees and vegetation leading down to the railway line which runs to the east of the site. To the south of the site is the Roade Quarry Local Wildlife Site.

2. CONSTRAINTS
2.1 The site is situated within the 2km consultation zone for the Roade Cutting SSSI which is located approximately 470 metres north of the application site. The site is also located adjacent to the Roade Quarry LWS to the south west of the application site.

2.2 The area of land to the south west of the application site is also a historic landfill site associated with the adjacent Pianoforte site.

2.3 The site also comprises areas of Archaeological Asset relating to former roadways.

2.4 Public Right of Way (PRoW) KZ8 runs to the north within the application site.

2.5 Approximately half of the application site is situated outside the Village Confines of Roade, albeit the majority of the wider Chaplins Yard site is also located outside of the Village Confines.

3. PROPOSAL

3.1 The current application seeks Full Planning Consent for 18 dwellings in place of the 700 sq. metres of B1(a) (Office) Use Class approved under the wider Chaplins Yard application site granted Outline Planning Permission, ref.: S/2013/1409/MAF, on an area of 0.5 hectares to the north east corner.

3.2 Accompanying the current submission are the following documents:

- Material Schedule
- Architectural Detailing
- Landscape Proposals (incl. Soft Landscape Specification)
- Design and Access Statement, October 2013, relating to 2013 Application
- Planning Statement, February 2016
- Flood Risk Assessment, December 2015
- Transport Assessment (Incl. Addendum), January 2016
- Archaeological Assessment, February 2013
- Air Quality Assessment, January 2016
- Environmental Noise and Vibration Assessment, January 2016
- Utilities Services Assessment, February 2012
- Landscape and Visual Impact Assessment Addendum, February 2016
- Ecological Appraisal, February 2016
- Ground Investigation Report, December 2010
- Commercial Viability Report, February 2016
- Viability Assessment, Updated June 2016
- Savills Annual Marketing Report, January 2015

3.3 Timescales for Delivery: The applicant and agent have advised that, in the event that planning permission is granted, the development of the additional 18 dwellings would be a continuation of the existing site for 105 dwellings which is currently under construction.

4. RELEVANT PLANNING HISTORY
4.1 There are numerous planning applications relating to the use of the site as a haulage yard dating from the late 1970’s. More recently the following applications are associated with the redevelopment of the site, namely Former Chaplins Yard, Stratford Roade, Roade, for office and residential use:

4.2 S/2012/1424/SCR - Screening Opinion for proposed residential development – EIA Not Required 28 November 2012

4.3 S/2013/0394/MAF - Hybrid application - Full Application - 105 dwellings together with public open space, roads, sewers and associated works. Outline application - Offices with associated infrastructure - Withdrawn 15 May 2013

4.4 S/2013/1409/MAF - Hybrid application - Full Application - 105 dwellings together with public open space, roads, sewers and associated works. Outline application - Offices with associated infrastructure - Approved 02/06/2014

5. PRE-APPLICATION ADVICE

5.1 Unable to support the proposal in its submitted form as a result of the following deficiencies/issues:

PRINCIPLE OF DEVELOPMENT

- Roade is designated in the Local Plan as a Restricted Infill Village. Part of the site lies within the Village Confines and part outside, namely within the Open Countryside. Saved Policies H5, H6 and EV2 of the Local Plan apply which seek to restrict new development within the Village Confines and the surrounding Open Countryside.

- The application site is considered to be within a reasonably sustainable location and would make use of vacant previously-developed land within the village. It is considered that this proposal constitutes sustainable development which should have a presumption in favour of development in accordance with the NPPF and policy SA of the JCS and therefore the proposal would likely be considered acceptable in principle subject to conformity with those Local Plan policies which are applicable to the application site, in particular policy G3 which sets down a number of criteria with which a development must comply before it can be viewed favourably.

- The site comprises a commercial use where saved policy E4 of the Local Plan also applies. This policy seeks to restrict the Change-of-Use from industrial or commercial to non-employment uses, the only exception being if it is in accordance with retail policy R1, or where the existing use can be shown to be in conflict with policy G3. In accordance with the previous approval the site was considered to have harm in the context of policy G3 and therefore considered to be acceptable.

- However as part of that application this site was granted permission for office (B1) employment use which therefore retained some employment opportunities on the site, which was a factor when approving the previous
application. For the loss of this employment land to now be justified a robust case should be made in the submission. To include evidence of a marketing strategy, that the site is not viable for its permitted use and critically has no reasonable likelihood of becoming viable.

- Roade in the recent past has had large employment sites, this site remains one of the last opportunities in the village for employment and therefore a convincing case would be required to be demonstrated before the loss of the employment land is permitted.

**AFFORDABLE HOUSING**

- The development would be expected to be policy compliant and provide 50% Affordable Housing. In the event that the required numbers of affordable housing are not proposed then a convincing viability assessment should accompany the application.

**CHARACTER AND APPEARANCE**

- Whilst no external elevation drawings have been submitted here providing that the proposal matches that on the wider site then they are likely to be considered acceptable.
- Rear parking courtyards are not desirable, however in a layout this approach is consistent with the wider development and therefore no objection to these in this case;
- Roofs to the single garages should be re-orientated by 90 degrees;
- External boundaries to Plots 107, 108, 109, 112 and 113 within the parking areas should be wall rather than the fences proposed.
- The layout respects residential amenity.

**OTHER ISSUES**

- As a result of the proximity of the site to the railway line as a source of noise, the proposal should be accompanied by a Noise Assessment.

**CONCLUSION**

- The key issue to be considered as part of the submission is justification for the loss of the business use and if no affordable housing is proposed then this should also be justified in a viability assessment providing that the proposal is supported by the documents stated below and that the design of the properties draw from the wider residential development.

6. **KEY ISSUES**

6.1 Principle of Development

6.2 Environmental Impact Assessment

6.3 Design and Layout
6.4 Highway and Traffic Impact
6.5 Residential Amenity
6.6 Noise, Air Quality and Contamination
6.7 Flood Risk and Drainage
6.8 Archaeology
6.9 Ecology and Biodiversity
6.10 s.106, Affordable Housing (incl. Viability) and Impact on Local Infrastructure

7. RELEVANT PLANNING POLICIES

7.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

7.2 SOUTH NORTHAMPTONSHIRE LOCAL PLAN (SNLP): Policies G2 (General); G3 (General); H5 (Restricted Infill Villages); H6 (RestRAINT Villages and Open Countryside); E4 (Change of Use from Industrial and Commercial Use); EV1 (Design); EV2 (Development in the Open Countryside); EV21 (Hedgerows, Ponds and other Landscape Features); EV24 (Species Protection); EV25 (Wildlife Corridors, Rivers and Waterways) EV29 (Landscape Proposals) and RC10 (Amenity and Children’s Play Area).

7.1 WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY (JCS): Objective 1 (Climate Change); Objective 3 (Connections To); Objective 8 (Economic Advantage); Objective 11 (Housing); Objective 12 (Protecting and Supporting Rural Communities); Objective 15 (High Quality Design); SA (Presumption in Favour of Sustainable Development Policies); S1 (The Distribution of Development); S3 (Scale and Distribution of Housing Development); S6 (Phasing of Housing Development); S7 (Provision of Jobs); S8 (Distribution of Jobs); S10 (Sustainable Development Principles); S11 (Renewable Energy); C2 (New Developments); C5 (Enhancing Local and Neighbourhood Connections); RC2 (Community Needs); H1 (Housing Density and Mix and Type of Dwellings); H2 (Affordable Housing); H4 (Sustainable Housing); H5 (Sustainable Housing); BN1 (Green Infrastructure Connections); BN2 (Biodiversity); BN7 (Water Supply, Quality and Wastewater Infrastructure); BN7 (Flood Risk); BN9 (Planning for Pollution Control); INF1 (Infrastructure Delivery); INF2 (Contributions to Infrastructure Requirements); R1 (Spatial Strategy for Rural Areas); R2 (Rural Economy) and R3 (Transport Strategy for Rural Areas).

Material Considerations

7.2 NATIONAL PLANNING POLICY FRAMEWORK (NPPF): Para’s. 7; 9; 12; 17; 22; 28; Chapter 6 ‘Housing’; Chapter 7 ‘New Development to be of ‘Good Design”’ and Chapter 10 ‘Meeting the Challenge of Climate Change, Flooding and Coastal Change’
7.3 PLANNING PRACTICE GUIDANCE (PPG)

7.4 SOUTH NORTHAMPTONSHIRE COUNCIL SPD and SPG: Developer Contributions (December 2010)

7.5 FIVE YEAR HOUSING LAND SUPPLY: The latest (2015) Housing Land Supply Report was approved by Planning Policy and Regeneration Strategy Committee on 15 July. The Council considers it has a deliverable 7.28 year supply of housing land (including a 20% ‘buffer’). This is based on the use of the Objectively Assessed Housing Numbers (OAHN) housing targets as set out in the Joint Core Strategy and associated trajectory approach.

7.6 THE ROADE MASTERPLAN: Adopted and published March 2011. The Chaplin’s Yard site to the east of Stratford Road is identified as a development opportunity site for housing and employment.

7.7 COUNCIL CORPORATE PRIORITIES: The Council’s 2016/17 Business Plan sets out a five year business strategy which sets out the long-term strategic priorities for the District. These are to (1) Serve the Residents & Business; (2) Protect the District and (3) Grow the District.

The corporate priority of most significance to the determination of planning applications and appeals is to “Protect the District”. It seeks to do this via the key objectives of; (1) ensuring the character of the district is preserved; (2) protect the built heritage; (3) preserve the environmental quality of the District; (4) mitigate the effects of High Speed 2 construction; (5) develop and sustain access to local services; and (6) deliver affordable housing.

The remaining corporate priorities are of significance to the determination of planning applications and appeals via the key objectives of delivering the Brackley, Towcester and Silverstone Masterplans, increasing tourism and employment in the District, providing enhanced leisure facilities, safeguarding the vulnerable, increasing a return on assets and delivering a high quality service.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

8. CONSULTATIONS

8.1 HOUSING STRATEGY AND DELIVERY:

- The adopted planning policy requires that for sites of 11 dwellings or more that 50% of the new properties should be affordable, namely nine out of the eighteen dwellings should be affordable. The applicant’s viability statement dated June 2016 asserted that no affordable housing could be achievable, however at a meeting in July 2016 the applicant verbally offered 5 Shared Ownership properties, however neither proposal is policy compliant.

- The scheme for 18 dwellings at Chaplins Yard, whilst adjacent to the site for 105 dwellings by Orbit, is considered as a separate site in viability terms albeit it is
worth noting that the proposal currently being developed was on very similar ground and circumstance that project achieved 40% affordable homes). The site being proposed for 18 units does not have consent for a residential form of development, however does have consent for commercial use. The applicant is yet to purchase the site and for viability assessment must be considered as having commercial not residential value. In their submission the applicant has attributed residential value which reduces viability and reduces the provision of affordable housing.

- The viability study includes additional, abnormal costs which we would maintain are not attributable. The applicant has claimed that costs will result from a 'start-stop' between the two adjacent schemes. The base build cost of £1,400 per square metre would already account for preliminaries. Similarly the applicant is claiming increased marketing costs citing the same reasons.

- The submission provided, whilst highlighting some site constraints such as the need for piling, retaining wall and surface water attenuation does not justify such a wide departure from adopted policy. The LPA has been willing to negotiate further regarding an increased offer of affordable housing.

8.2 SNC ECONOMIC GROWTH: Based upon the originally submitted information, Economic Growth are unable to support the application unless the Marketing campaign and/or Marketing Analysis that has been undertaken can evidence that there is no demand for commercial use for the area identified within the site. The reason for this is to ensure that existing employment land is retained for future employment opportunities and therefore the protection of its current use classification as commercial is of strategic importance to South Northamptonshire.

8.3 Note that the LPA require all of the detailed market analysis undertaken as well as records of marketing campaign activity to be satisfied that the site is no longer commercially viable for employment land use. In the absence of this information, content of the Planning Statement does not provide sufficient detailed information to come to a different conclusion.

The main findings of the Commercial Viability Report and points of justification are highlighted below:-

- The buildings have been marketed with no interest for their proposed office use;
- There are approximately 400,000 sq. metres of employment supply in West Northamptonshire. There is a significant pipeline which will more than satisfy the employment office target of only 193,804sq.m. It will also be cheaper to build on these Greenfield sites rather than a constrained brownfield site;
- The 2012 West Northants Employment Land Review (ELR) update still relies on the out-of-date employment densities and even their revised targets are inaccurate. The ELR assumes 18sq.m per employee for general offices when current research shows this now to be below 12sq.m per employee. Thus 33% less land is required for offices, which is a substantial reduction in their requirement;
- The ELR has not fully accounted for several sites including Phase III of DIRFT, which can accommodate up to 9,000 jobs. Likewise, the New Waterside
Enterprise Zone is now delivering jobs above the predicted rate. Together these sites are delivering a significant proportion for the plan period;

- Roade has to be viewed within a wider sub-regional context. This reveals that Northampton and Daventry are the principle employment centres, which will soak up demand in the first instance;
- The Local Authority are relying on the out of date 1997 saved policy. This has been superseded by the 2012 NPPF and is effectively 19 years old. There is no specific mention of viability and does not reflect the National Planning Guidance.

8.4 SNC Economic Growth has previously been consulted at pre-application in January 2015 and highlighted concern that no consideration had been given to incorporating the 0.5 ha of Employment land as specified in the Roade Masterplan. Concerns focused on the importance of providing Employment opportunities in Roade so that housing developments did not exacerbate the current dormitory nature of the village. This concern was also raised many times by stakeholders during the consultation for the Roade Masterplan.

8.5 The Masterplan, adopted 2011, states 'it is important that future housing development be accompanied by employment creation in order that sustainable communities are created.' The Masterplan sets out a requirement for a total of 1 ha of employment land with the remainder at the Pianoforte site. If land for commercial use is lost at Chaplin’s Yard this removes one of the last opportunities for employment in the village and therefore a long term view must be applied.

8.6 For planning applications involving a Change-of-Use either from one commercial use to another or from a commercial use to residential, the applicant has a responsibility to demonstrate that the property is no longer commercially viable or suitable for lease or sale. Applicants will be expected to carry out a robust marketing exercise based on the criteria set out below. Please note, this is not a guarantee planning will be approved as other planning policies will fundamentally affect how an application is assessed, for example change of use from commercial to residential is only usually only permitted when all other options for commercial use have been exhausted. However, a clear and robust marketing exercise will be taken into material consideration.

8.7 When carrying out a marketing exercise the applicant will be expected to undertake the following:

- Property to be marketed for a minimum period of 12 months from an agreed start date;
- Valuations by three reputable commercial agents and evidence of marketing at that value to ensure it is at a commercially realistic rate;
- A marketing strategy to be drawn up that includes advertising in local press and appropriate trade publications such as Estate Gazette as well as the internet and a ‘For Sale’ board outside the premises unless demonstrated that it is inappropriate;
- A detailed record of viewings of the premises, feedback from potential purchasers and any offers made to be submitted to SNC at the end of the agreed marketing period.
Additional comments are awaited from SNC Economic Growth on the basis of the late submission of a Marketing Exercise undertaken by Savills date January 2015.

PLANNING POLICY:

- Para. 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

- Para. 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

  1. support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
  2. promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The proposed section of the Chaplin’s Yard site to which the application relates is identified as a development opportunity site for employment. The Masterplan was drafted to enable consideration to be given to the future of brownfield sites and to enable the village to use its key opportunity sites and bank of existing brownfield land to allow appropriate redevelopment opportunities in order to cater for the existing and growing population.

Employment and Economic Development

- There are two key issues in respect of employment in Roade, firstly the loss of existing employment within Roade and secondly the nature of Roade as a dormitory village with people commuting daily out of the village for employment purposes.

- Employment opportunities within Roade have reduced as manufacturing in the UK has declined. Whilst this provides the opportunity for brownfield sites within the village, such as the Walkerpack site which became available for redevelopment, it does mean a reduction in employment opportunities for hose living within the village. However, any proposals for redevelopment of employment sites will need to take consideration of Policy E4 of the South Northamptonshire Local Plan that advises that planning permission will not be granted for the Change-of-Use or redevelopment of a site or building currently or last used, and which remains suitable for, industrial or commercial purposes to a non-employment use.
- It is recognised that Roade has become a dormitory village, largely because of its good location on the A508 with accessibility to Northampton and Milton Keynes.

- In addition to these, it is considered that there is a need to provide for a range of new employment opportunities that will be provided within Classes B1 and B2, including the provision of small high technology units and offices.

- Having regard to the consultation responses the Masterplan considers that provision should be made for employment development on the Chaplin’s Yard site, amounting to a minimum of 0.5 ha.

- The Chaplin’s Yard will shortly have delivered 105 houses, namely at the top-end of the number envisaged and planned for in the Masterplan.

8.12 The proposed development is considered contrary to the Development Plan - JCS Policies S1 (Distribution of Development), S3 (Scale and Distribution of Housing Development), S6 (Phasing of Housing Development), E1 (Existing Employment Areas), H2 (Affordable Housing) and R1 (Spatial Strategy for Rural Areas) alongside Local Plan Policy E4 (Change of Use from Industrial and Commercial Use) - and in this instance there are no material considerations that might indicate a decision other than in accordance with the Development Plan.

8.13 The proposed development would be contrary to requirements set-out at Paragraph 22 of the NPPF, where it states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

8.14 Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The applicants do not appear to have demonstrated that this is the case here, for example, through conducting a proper marketing exercise for a sufficient period of time.

8.15 The proposal is also considered contrary and harmful to Policy E1 of the JCS. This states that to help support a vibrant, successful and developing local economy existing and allocated employment sites and industrial estates across West Northamptonshire will be retained for uses within Use Classes B1, B2, B8 and appropriate non-B employment generating uses. Change of use to other (non-employment generating) uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment purposes in the long term, there is a clear conflict with adjoining uses, or its release would offer significant benefits to the local area. The applicants do not appear to have demonstrated that this is the case here, either.

8.16 Furthermore, the proposal is considered contrary and potentially harmful to the important aims and objectives of the Roade Masterplan, particularly in respect of sustainability and employment provision.
8.17 The Council considers it can demonstrate a deliverable 7.28-year supply of housing land (including a 20% ‘buffer’), and Development Plan policies for the supply of housing are therefore considered up-to-date, as set-out in para. 49 of the NPPF.

8.18 The adopted Joint Core Strategy places strong emphasis on an urban orientated development strategy that concentrates future development primarily in the rural service centres of Brackley and Towcester (Policies S1 and S5). Given its location and the quantum of residential development already provided for in Roade and the rest of the rural area, this site is not considered necessary to meet any unplanned housing requirement in the rural areas.

8.19 For the above reasons, it is considered that this proposal is unacceptable, in principle, and that there are no material planning considerations which would outweigh conflicts with the adopted Development Plan. The relevant Development Plan policies are in conformity with the presumption in favour of sustainable development set out in both the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) and do not present a conflict with national policy and should therefore be afforded full weight.

8.20 ENVIRONMENTAL PROTECTION:

No adverse comment subject to mitigation measures being implemented and safeguarding conditions being imposed.

8.21 Make the following general comments in respect of the noise and air quality impact assessment reports submitted in support of these proposals (i.e. AIRO Environmental Noise and Vibration Assessment for Commercial Land at Chaplins Transport Site, Stratford Road, Roade Report Ref SRB16952 dated 12 January 2016 – hereafter referred to as the AIRO Report; and RSK Environmental Ltd Screening Level Air Quality Assessment Report Ref 442292 dated 12 January 2016 – hereafter referred to as the RSK Report). Comments regarding the land condition assessment will be sent separately. The new National Planning Policy Framework recommends that the planning policy system should contribute to, and enhance the natural and local environment by, amongst other things, preventing both new and existing developments from contributing to or being put at unacceptable risk, or being, adversely affected by unacceptable levels of pollution. It goes onto recommend that planning policies and decisions should ensure that new development is appropriate for its location taking into consideration the effects of pollution on health, general amenity, and quality of life amongst other things.

8.22 Noise Assessment

General satisfaction that the Noise and Vibration Assessment has been undertaken by an appropriately qualified person and in accordance with the relevant standards and procedures.

- The consultant concludes that appropriate recommended internal and external ambient noise criteria can be achieved subject to various mitigation measures being applied to the proposed development, including the provision of acoustic
window glazing and ventilation measures;

- It is recommended that a 3 metre high boundary fence should be erected between the site and the railway line and that all plots will have 1.8 metre high close-boarded fence erected to the boundaries between the gardens;

- Consideration in respect of noise impacts from the parcel of land adjacent to the proposed development site used by Network Rail as an access point to the track for maintenance work etc.;

8.23 No assessment has been provided in respect of noise and vibration from the construction phase of the proposed development and so this would need to be conditioned as part of any planning approval being granted in this instance.

8.24 Vibration

The consultant advises that measured vibration levels from the railway were found to be below the level at which even a ‘low probability of adverse comment’ exists when compared to the criteria detailed in BS 6472:2008.

8.25 Air Quality Assessment

General satisfaction that the Air Quality Assessment detailed in the RSK Report has been undertaken in accordance with the relevant standards and procedures.

- The assessment considers the existing baseline air quality conditions and potential air quality impacts during the construction phase of the development and impacts on the local air quality network from traffic emissions generated by the site once developed;

- Site specific mitigation measures to reduce dust impacts from the construction phase of the proposed development are outlined within the Assessment and it is recommended that agreement be reached with the LPA regarding a Dust Management Plan;

- It is concluded within the Assessment that it is unlikely that the proposed development will lead to a significant impact on the surrounding air quality network.

8.26 Ground Contamination

The Desk Study Report, dated December 2010, pre-dates the current Contaminated Land Statutory Guidance and most of the relevant British Standards quoted within this report have been updated since the report was produced. A more up-to-date report is therefore required before the land contamination issues on the site can be assessed. Therefore propose the imposition of appropriate safeguarding conditions regarding the need for a risk assessment for contaminated land.

8.27 NETWORK RAIL: Note that much of the area for the new dwellings is located within 23 metres from the railway boundary; however there appears to be a section in the northern corner which is adjacent railway land and forms what appears to be the support zone and access route to the railway footbridge. Network Rail (NR) will
need to confirm that the proposed works in this area and as a permanent arrangement will not impact the access to and egress from the railway bridge. As matters of access are outside of planning application matters, the developer will need to confirm details with NR. Access to NR land to remain unobstructed at all times. The developer may need to acquire rights from NR to use the route to the footbridge outside of the planning process. The developer will also need to submit a Risk Assessment and Method Statement (RAMS) to NR alongside details of any excavation and earthworks.

8.28 WASTE MANAGEMENT: The developer will need to satisfy the LPA that there is adequate provision for waste and recycling storage for which there currently is none. A s.106 Contribution of £106 per dwelling would be required.

8.29 NETWORK RAIL: Note that much of the area for the new dwellings is located within 23 metres from the railway boundary; however there appears to be a section in the northern corner which is adjacent railway land and forms what appears to be the support zone and access route to the railway footbridge. Network Rail (NR) will need to confirm that the proposed works in this area and as a permanent arrangement will not impact the access to and egress from the railway bridge. As matters of access are outside of planning application matters, the developer will need to confirm details with NR. Access to NR land to remain unobstructed at all times. The developer may need to acquire rights from NR to use the route to the footbridge outside of the planning process. The developer will also need to submit a Risk Assessment and Method Statement (RAMS) to NR alongside details of any excavation and earthworks.

8.30 CANAL AND RIVER TRUST: No comment.

8.31 BUILDING CONTROL: Note that the Design and Access Statement states that all housing will comply with Part M of the Building Regulations. Note that the submitted plans do not show level thresholds and ramps where appropriate. Note that path widths appear to be acceptable, however the front path access serving Plot 106 appears inadequate and the proposed parking is remote from the front door. Note proximity of public sewers to a number of dwellings.

8.32 NCC HIGHWAYS: The proposed additional vehicular crossovers will require a Deed of Variation (DoV) to the existing Section 38 Agreement or separate Section 184 Licences. There are a number of dwellings with only one parking space irrespective of NCC Guidelines which require two parking spaces irrespective of garaging. The proposed access into the courtyard beneath Plot 120 shall be a minimum of 5.5 metres in width.

8.33 NCC SURFACE WATER DRAINAGE ASSESSMENT TEAM:

There exists insufficient information available to comment upon the acceptability of the proposed surface water drainage scheme for the proposed development as outlined in further detail commencing at para. 10.41.

8.34 CRIME PREVENTION DESIGN ADVISOR:
- The Design and Access Statement for this application is the original version submitted for the remainder of the site in 2013. There is a section on Secured by Design within the DAS where it states that a SBD accreditation is to be sought. It is presumed that this will apply for this part of the site which is the subject of this application.

- Roade is ranked fifth highest for crime and eighth for anti-social behaviour when compared to the other wards in South Northants. Crimes likely to be suffered in a residential environment include burglary, vehicle crime and criminal damage. Stratford Road and Walkers Way account for the most crime in the village, the same two locations account for the most anti-social behaviour incidents. In light of this crime context and the layout proposed by the applicant, Northamptonshire Police has serious concerns about the application and does not consider that the potential for crime has been in any way considered, indeed, the proposed layout offers opportunities for crime and disorder and opportunities for burglary and vehicle crime in particular;

- To reduce opportunities for crime a vehicle should be parked either on plot or within the curtilage of the dwelling where it can be observed from a window serving a routinely inhabited ground floor room which requires windows at ground floor level in gable ends of dwellings and not all plots are provided with them;

- There are many examples where the vehicle is parked at the bottom of the garden, namely Plots 16, 110, 106-109, 111 and 119 with no meaningful surveillance from within the dwellings. The gardens have close board fence to 1.8 metres reducing any overlooking from the ground floor. Vehicles parked remotely from the dwelling and under no supervision are very vulnerable to crimes such as ‘thefts from.’ The rear parking court provided for plots 106-109 can be protected by the provision of an automatically operated gate which precludes unauthorised access to the rear of the dwelling;

- The parking court to the rear of plots 114-123 has all the parking out of sight of routinely inhabited rooms and nothing in place to prevent anyone from walking into the court to steal from vehicles or to perpetrate a burglary. Not only does the layout provide opportunities for such crimes the parking spaces are designed in such a way as to create neighbour nuisance issues;

8.35 ROADE PARISH COUNCIL: Concern regarding the Marketing of the site for commercial purposes and the resultant loss of potential employment opportunities if developed for housing.

8.36 ANGLIAN WATER:

- There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site;

- The foul drainage from this development is in the catchment of Ashton Water Recycling Centre that will have available capacity for these flows;
- Development may lead to an unacceptable risk of flooding downstream. The sewers on site are currently privately owned and not yet adopted by Anglian Water under a signed Section 104 agreement. Therefore, we cannot assess capacity at present as the foul pipes are not an Anglian Water asset. Request a condition requiring the drainage strategy covering the issue(s) to be agreed;

- The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water’s network.

8.37 **SNC BUSINESS SUPPORT UNIT:** No objection. The development has the potential to attract New Homes Bonus over 6 years under current arrangements for the Council, with an additional sum paid per affordable home.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Business Support Unit is therefore provided on an information basis only.

8.38 **CIL LIABILITY** - No Reliefs/Exemptions Claimed

8.39 It is estimated that this development would attract a Community Infrastructure Levy (CIL) payment totalling £130,100 under the Council’s current CIL Charging Schedule. However please note that certain reliefs and exemptions are available and if claimed could result in a zero charge, unless disqualifying events occur. (For further information relating to CIL please visit [http://www.southnorthants.gov.uk/7143.htm](http://www.southnorthants.gov.uk/7143.htm)).

8.40 **Officer Note:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the
calculated CIL amount referred to above is therefore provided on an information basis only.

9. REPRESENTATIONS

9.1 Two representations have been received from No. 33 Priory Crescent and No. 5 Chaplins Drive raising the following observations:

- the additional level of housing will cause considerable additional traffic as Chaplins Drive is the only access/egress from the site and associated air pollution;
- consider that upon completion of the development that there will be severe difficulties for vehicles existing the site at rush hour onto the A508;
- note that Orbit are currently using a service road for deliveries and whether this could form an alternative access;
- note that planning permission was previously granted on the basis of there being an employment area within the building programme;
- no businesses have had the opportunity to consider potential plans for the employment site before bidding;
- cost should not be a planning matter.

10. OFFICER’S REPORT

10.1 PRINCIPLE OF DEVELOPMENT: Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises the South Northamptonshire Local Plan (SNLP) and the Joint Core Strategy.

10.2 Roade is designated in the SNLP as a Restricted Infill Village. Whilst part of the previous haulage yard site was located outside of the Village Confines, a substantial part of the application site lies outside of the Village Confines within Open Countryside. In this case, saved policies G2, H5, H6 and EV2 of the Local Plan apply. These policies seek to restrict new development within the village and the surrounding Open Countryside allowing for development only in specific or exceptional cases which are not applicable to the proposed development given its size and the number of dwellings proposed.

10.3 The existing lawful use of the part of the site to which the current proposal relates is as a commercial use where saved policy E4 of the SNLP also applies. This policy seeks to restrict the Change-of-Use from industrial or commercial to non-employment uses, the only exception being if it is in accordance with retail policy R1, which is not relevant in this case, or where the existing use can be shown to be in conflict with Policy G3.

10.4 The remaining commercial employment site has previously been vacant for some years and is currently used in association with building operations taking place. It is noted that as part of the previous consent for 105 residential dwellings that as a result of the commercial use for haulage it was considered likely that a conflict with policy G3 would occur as a result of the re-introduction of heavy goods vehicles travelling through the village and on Stratford Road. In that respect, the development of that part of the site was therefore considered to comply with the
exceptions of 'saved' Policy E4. Notwithstanding this, 0.5 ha of employment land has been included within the application for B1 Use Class (Offices) in recognition of the former employment use of the site and to retain some employment use within the village.

10.5 The NPPF sets out a presumption in favour of sustainable development and sets out that planning should be proactive in delivering sustainable development and homes and respond positively to wider opportunities for growth. Para. 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted. The supply of additional housing is positively promoted in Section 6 of the Framework which requires that local planning authorities identify a deliverable five year housing land supply with a 20% buffer to provide a realistic prospect of achieving planned supply.

10.6 In accordance with the most recent Housing Land Supply Report, the Council considers that it continues to have a deliverable five year supply of housing land including the 20% buffer and considers that it can demonstrate a deliverable 7.28-year supply of housing land (including a 20% buffer).

10.7 The Roade Masterplan, dated March 2011 in consultation with Roade Parish Council, was produced to consider the future development of Roade Village and to provide clear guidance on the type and form of development considered to be appropriate for the village and to set a framework for the development of key opportunity sites. The Masterplan identifies the Chaplin’s Yard site (Site B) as a development opportunity having been considered as a suitable and achievable site for residential and commercial development.

10.8 The response from Planning Policy notes employment opportunities within Roade have reduced following the decline of manufacturing in the UK. Proposals for redevelopment of employment sites will need to take consideration of Policy E4 of the Local Plan that advises that planning permission will not be granted for the Change-of-Use or redevelopment of a site or building currently or last used, and which remains suitable for, industrial or commercial purposes to a non-employment use.

10.9 The Roade Masterplan considers that provision should be made for employment development on the Chaplin’s Yard site, amounting to a minimum of 0.5 ha on the current site, alongside the Piano Forte site (also within Roade).

10.10 The Applicant has submitted a Viability Report, dated February 2016 by Sturt and Company, alongside an Annual Marketing Report by Savills, dated January 2015 and covering the period of 12 months preceding that date. The report by Savills is noted to have a period of absence for the period of 15 months prior to the submission of the current application.

10.11 Planning Policy does allow for the Change-of-Use of employment land ‘where there is no reasonable prospect of a site being used for the allocated employment use, noting that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’ That is to say that, should the Applicants have demonstrated through an up-to-date and robust Marketing Exercise that this is the current case here, for example, for a sufficient period of time, there
may have been an evidence basis for allowing an alternative land use. It is considered that the current submission is significantly out-of-date and does not provide a realistic view of the likelihood of the site for employment purposes. This view is reinforced by Policy E1 of the Joint Core Strategy (JCS) which notes that existing and allocated employment sites and industrial estates across West Northamptonshire will be retained for uses within Use Classes B1 [and B2, B8 and appropriate non-B employment generating uses]. Change-of-Use to other (non-employment generating) uses will be resisted unless it can be demonstrated that the site Is no longer economically viable for employment purposes in the long term, there is a clear conflict with adjoining uses, or its release would offer significant benefits to the local area.

10.12 The applicants do not appear to have demonstrated that this is the case and have not demonstrated compliance with the Marketing Strategy which would typically be expected from SNC Economic Growth, namely to include Marketing in line with the criteria set out within para. 8.7 of this report.

10.13 In the current instance and accordingly the proposal is considered contrary and potentially harmful to the important aims and objectives of the Roade Masterplan, particularly in respect of sustainability and employment provision.

10.14 ENVIRONMENTAL IMPACT ASSESSMENT: The application is not accompanied by an Environmental Statement. The Local Planning Authority (LPA) has undertaken a Screening of the proposal against The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and has concluded that an EIA is not required.

10.15 DESIGN AND LAYOUT: The application seeks detailed planning permission for 18 dwellings over 0.5 ha. (36 dwellings per hectare) on an area of land which has secured planning consent for 700 sq. metres of office space. The proposed residential development is located in the north eastern corner of the site in the approximate location of the existing large storage building currently situated along the eastern boundary of the site.

10.16 The proposed design and layout of the residential development of the site is a continuation of the existing form and pattern of development granted planning permission for the wider Chaplins Yard site which evolved through a detailed assessment and context appraisal of the village and the area immediately surrounding the site to produce a scheme which is appropriate to its context and surroundings and enhances the built environment at this location on the edge of the village.

10.17 The site access is taken from Stratford Road via the existing access serving the existing 105 dwellings ad that which would serve the Employment Use which has been granted Outline Planning Consent.

10.18 The existing wider development site includes 1930’s style detached dwellings at the entrance to the site from Stratford Road, taking reference from this prevalent character along Stratford Road. Further into the site, the design and form of development takes on a slightly higher density Victorian appearance taking its cue from the historic core of the village and constructed from red brick with sliding sash windows and steep slate roofs. The remainder of the southern part of the site takes on a more rural vernacular appearance with smaller cottage style windows, timber lintels and a simpler approach to elevation detail. Appropriately designed chimneys
are incorporated to all house types.

10.19 The development is considered to be a continuation of the existing form of development, taking its cue from the northern half of the development site and is considered to achieve a scheme which would be compatible in scale, siting, design and materials with the surrounding area and wider locality in accordance with policy G3 (a) of the South Northants Local Plan.

10.20 HIGHWAYS AND TRAFFIC IMPACT: Access to the site is taken from Stratford Road. As part of the previous residential development access works, dedicated right hand turn lanes were proposed to be provided within the adopted highway to facilitate turning into the site and the Secondary School. These measures were considered to ease the existing congestion issues around the entrance to the school as well as ensuring that the traffic from the development can be satisfactorily accommodated.

10.21 NCC Highways have provided comments regarding the proposal and no comment is made in respect of the proposed road layout albeit noting that a DoV to the existing s.38 would be required in respect of additional vehicle crossovers.

10.22 The submitted layout notes the provision of 29 car parking spaces serving 18 residential properties. The parking requirement for the proposed development, regardless of garages would be for 36 car parking spaces to be provided in addition to garaging. The proposal therefore results in a deficit of seven car parking spaces which would therefore be likely to result in on-street car parking to the detriment of highway safety as a result of the narrower roads.

10.23 With the exception of the Flat Over Garage (and access) (FOG), where properties are served by only one car parking space, such a property is also serviced by a garage. In each of these cases it is considered that on-plot car parking could be achieved subject to the removal of the garaging and/or a car-port structure (open on at least two sides).

10.24 As submitted however, the proposal would not be in accordance with South Northants Local Plan policy G3 (b) in providing adequate parking facilities.

10.25 SNC Waste Services has provided comment on the layout in relation to waste collection. At present, no details with regard to waste storage or recyclables has been provided. As a result of the size of gardens it is considered that there exists sufficient provision for both of these facilities.

10.26 As such it is considered that the development as proposed would be in accordance with policy G3 (b) (f) and (o) of the SNLP providing a satisfactory means of access without undue impact on the existing transport network. Where increased impact would occur it is considered that these can be satisfactorily addressed and mitigated through the proposed improvements to the local highway network and public transport including the provision of bus stops on Stratford Road.

10.27 RESIDENTIAL AMENITY: Existing residential properties lie to the north of the site, namely at The Swannings and at the modern Walkers Way development and on Stratford Road. Adequate separation distances are provided to ensure that there would be no adverse impact on the amenity of existing residential properties close to or adjoining the site.

10.28 The layout of the proposed development is such that separation distances and orientation of properties would provide adequate residential amenity for future
occupiers and reasonable sized private rear gardens, comparable to those properties to the north of the wider Chaplins Yard site are provided to all houses.

10.29 It is noted that the current application site has planning permission for B1 Use Class as an office with access achieved from the sole access through the residential estate. The existing s.106 has a Planning Obligation whereby the previous haulage use cannot be recommenced once the residential planning permission has been implemented which is now the case. The reason for this was to minimise disruption to residential occupiers. It is considered that the proposed level of residential development would be such that this did not result in an increase in the level of noise and disturbance significantly above that associated with the B1 Use.

10.30 As such it is considered that the proposal would be in accordance with South Northants Local Plan policy G3 (d) in providing a satisfactory level of residential amenity for existing and future residents.

10.31 NOISE, AIR QUALITY AND CONTAMINATION: An Environmental Noise and Vibration Assessment, dated January 2016, has been submitted with the application. This identifies road and rail noise as being the main sources of noise and vibration affecting the site.

10.32 A glazing and ventilation specification for living rooms and bedrooms has been compiled based on four (A-D) Noise Mitigation Zones (NMZ) within the development. All properties are located within one of the NMZ.

10.33 Through the construction of a 3 metre high boundary fence between the site and the railway line and all plots having a 1.8 metre high close-boarded fence erected to the boundaries between the gardens which would be expected within any residential development, all properties can achieve the required external noise level to private rear gardens.

10.34 In light of the Noise Assessment it is not considered that the development, subject to conditions, would give rise to unacceptable levels of noise which would have an adverse impact on either existing or proposed residents. Accordingly in this respect the development complies with national guidance contained in the NPPF and local policy as contained in Policy G3 (e) of the South Northamptonshire Local Plan.

10.35 An Air Quality Assessment has been submitted which considers the existing baseline air quality conditions and potential air quality impacts during the construction phase of the development and impacts on the local air quality network from traffic emissions generated by the site once developed. Site specific mitigation measures to reduce dust impacts from the construction phase of the proposed development are outlined within the Assessment and it is recommended that agreement be reached with the LPA regarding a Dust Management Plan.

10.36 The Council’s Environmental Protection Officer (EPO) has no adverse comments to make and in light of the Air Quality Assessment it is not considered that the development would have an adverse effect on air quality. The development therefore complies with national guidance contained in the NPPF and local policy as contained in Policy G3 (e) of the South Northamptonshire Local Plan.

10.37 A Desk Study Report dated 2010 has been undertaken and included as part of the current submission in order to assess potential risks from contamination. Whilst it is noted that this report identifies potential contamination sources associated with the former uses of the site and surroundings including the haulage yard. The Council’s
Environmental Protection Officer (EPO) has reviewed this assessment and notes that this pre-dates the current Contaminated Land Statutory Guidance and most of the relevant British Standards quoted within this report have been updated since the report was produced.

10.38 In light of the comments made by the Council’s EPO, a more up-to-date report is therefore required before the land contamination issues on the site can be assessed. Accordingly, should planning permission be recommended favourably, it is considered that appropriate safeguarding conditions would be required regarding the need for a risk assessment for contaminated land. On this basis it is not considered that land contamination is a constraint to development and the development complies with national guidance contained in the NPPF and Local Plan Policy as contained in Policy G3(e) of the South Northamptonshire Local Plan.

10.39 FLOOD RISK AND DRAINAGE: The site is located within Flood Zone 1 which is an area not at risk of flooding (from rivers) and risk from groundwater flooding is considered to be low. There exists insufficient information available to comment upon the acceptability of the proposed surface water drainage scheme for the proposed development. In particular, the submitted surface water drainage information fails on the following grounds:

- A full WinDES modelling or similar with the details of existing Greenfield runoff rates, proposed discharge rates, simulating storms through the whole drainage system with results of critical storms is required, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year and that any above-ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.

- The applicant has referred within Section 5.4 of the Flood Risk Assessment (FRA) to the infiltration of surface water run-off from the site to be considered as an allowance in respect of reducing attenuation capacity. However within the previous report (ref. No. 2012/1068, dated 27th September 2013) it is clearly suggested that an infiltration is not a viable option. Therefore it is requested that the applicant supplies details of BRE 365 compliant infiltration testing to confirm that such a method of surface water disposal is viable.

- A 9 metre buffer should be maintained between the edge of the watercourses for the maintenance access of relevant building and structures. All the buildings and structures should be located outside of the area of flood risk.

- It is proposed to use existing surface water drainage infrastructure for the proposed development via an Attenuation Pond. However from both the reports the impermeable area and required attenuation is quite unclear. The existing infrastructure will need to be demonstrated in the form of Micro Drainage calculations to ensure that there is available capacity for the proposed development in accordance with current requirements. Any additional capacity required would need to be accommodated within the proposed development. A revised FRA including the whole site would be a way forward in order to avoid any further confusion.
- From the current drainage strategy detailed drawing it is not clear the land between the development site and proposed watercourse falls within the development ownership. In which case details or permission to discharge/cross third-party land will be required.

- NCC do not agree with the approach in the FRA for not using the worst-case scenario for the Storage calculations. An average volume has been taken for the required volume of attenuation. When a quick storage estimate is used, NCC always request and ensure that any FRA demonstrates that the maximum volume of attenuation can be accommodated on the site.

- The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

10.40 It is therefore considered that the development is unable to the acceptability of the proposed surface water drainage scheme for the proposed development and as such would does not comply with policy G3 (m) of the Local Plan.

10.41 ARCHAEOLOGY: A desk-based Archaeological Assessment, namely that submitted as part of the 2013 submission, which included the application site, has been undertaken and submitted with the application which concludes that future development of the site will not impact on heritage assets particularly given the former mineral extraction which has taken place. No comment has been raised by NCC Archaeology who previously raised no comment to the application and submitted Assessment.

10.42 In light of the submitted Assessment and the response from the County Archaeologist it is not considered that any designated or undesignated heritage assets or their settings will be adversely affected by the proposal in accordance with South Northants Local Plan policy G3(k) and national guidance contained in the NPPF.

10.43 ECOLOGY AND BIODIVERSITY: The site is situated within the 2km consultation zone for the Roade Cutting SSSI which is located approximately 470 metres north of the application site. The site is also located adjacent to the Roade Quarry LWS (non-statutory designation) to the south west of the application site.

10.44 An Ecological Appraisal dated February 2016 has been submitted with the application. This confirms that:

- The SSSI at Roade Cutting has no direct connectivity to the site and no significant impacts are anticipated;

- The Roade Quarry LWS, whilst located within close proximity to the development site, is separated by the existing, newly constructed residential development and will provide a buffer to works;

- The botanical value of the site is very limited with the main compartment dominated by building and hardstanding. The plantation woodland to the east of the building will not be directly affected albeit mitigation measures to avoid adverse impacts on this habitat are proposed;

- No protected or notable species have been recorded within the site boundary, albeit as a result of potential features within one of the buildings to
be demolished, an additional survey is recommended;

- Potential for badgers, nesting birds, reptiles and amphibians was limited;
- A series of potential enhancements can be achieved, including native planting, bird boxes, bat boxes and hedgehog boxes.

10.45 Precautionary recommendations are made within this Assessment in relation to species such as bats, namely seeking additional surveys to existing buildings on-site and appropriate lighting, removal of trees to comply with the Wildlife and Countryside Act 1981 (as amended), wild birds and hedgehogs due to the existence of suitable foraging habitat. Whilst these are a notable consideration in relation to the proposed development they are not considered to represent an overriding constraint in the determination of the planning application provided the precautionary recommendations set out in the Assessment are followed.

10.46 The submitted Assessment did not identify any records of amphibian species such as Great Crested Newt (GCN) albeit identifying a pair of ponds within 500 metres of the site, in the current instance, Pond 1 was separated from the site by newly constructed development adjoining the southern boundary and in respect of Pond 2 as a result of the separation consisting of agricultural land, buildings, hardstanding and the A508. In respect of other reptiles, the site is predominantly dominated by buildings and hardstanding and is broadly unsuitable for reptiles. Land to the east of the site which may be suitable for reptiles is considered unlikely as a result of the extensive works being undertaken throughout the wider site.

10.47 On the basis of the Ecological Assessment and the proposed recommendations it is considered that there are no overriding ecological constraints to the proposed development and the development would not adversely affect any sites of nature conservation in accordance with South Northants Local Plan Policy G3 (k) and national guidance contained in the NPPF.

10.48 The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2010, the EU Habitats Directive and the Natural Environment and Rural Communities Act 2006 to take into account protected species when determining planning applications. Policy G3 (k) of the South Northamptonshire Local Plan states that planning permission will not normally be granted for proposals that adversely affect a sites conservation value.

10.49 S.106 AND IMPACT ON LOCAL INFRASTRUCTURE: In considering major planning applications, the Local Planning Authority will expect applicants, in cases where development proposals are considered acceptable, to enter in to a s.106 planning obligation in order to mitigate the impact of the development on local infrastructure which would be reasonably and directly related to the development and necessary to make the development acceptable in planning terms in accordance with the Community Infrastructure Levy (CIL) Regulations.

10.50 Planning obligations and charges would therefore, if the development proposal was considered acceptable, be sought in accordance with the Council’s Developer Contributions Supplementary Planning Document (SPD) and in consultation with the Parish Council and other statutory Consultees with regard to the provisions of the Roade Masterplan.

10.51 The following obligations/contributions would therefore be sought to mitigate the impact of the development. The applicant has broadly agreed to pay the stated
contributions with the exception of Affordable Housing. As a result of the significant shortfall in the proposed level of Affordable Housing, no formal s.106 has been prepared.

10.52 Affordable Housing and Viability: Adopted Planning Policy requires that for sites of 11 or more dwellings that 50% of new properties shall be affordable, namely, in the current instance that nine out of the eighteen dwellings shall be affordable.

10.53 The applicant’s initial Viability Statement dated June 2016 asserted that no Affordable Housing could be achieved, however at a meeting in July 2016 the applicant verbally offered 5 Shared Ownership properties, however this offer was not based upon revised modelling noting that this would even be viable. In any case, the proposal is not considered to be policy compliant.

10.54 The Applicant, in continued dialogue refers to the original Chaplins Yard development site for 105 dwellings whereby 40% Affordable Housing was achieved and is being provided on-site and considers that the LPA should apply significant weight in this instance as the proposal would result in the provision of 38% across the entire Chaplins Yard Site.

10.55 The Applicant (Orbit) has noted that to achieve a policy compliant level of Affordable Housing is very challenging. It is noted that Orbit ‘has an on-going ethos and commitment of providing more affordable new homes and community benefits. Indeed [noting compliance] with the full 40% Affordable Housing and s.106 contribution provision on the original [consent]. Private sale housing [is developed] committing the profits for a purpose back into the business as a self-generated grant funding, something unique to [Orbit] and always conveniently overlooked in these such instances.’

10.56 The submitted Viability Report includes additional abnormal costs which the LPA maintain are not attributable. Furthermore, the applicant is claiming increased marketing costs. The submission provided, whilst noting a number of site constraints such as the need for piling, retaining wall and surface water attenuation does not justify such a wide departure from adopted policy in respect of Affordable Housing.

10.57 Orbit have applied a residential land value on the site, citing the reason for this being that there is considered to be other alternative viable use. The LPA dispute this and note that the site has B1 Use and therefore the value of the land should be as employment. The proposed development has been modelled using ‘3 Dragons’ to test the viability of the site utilising an employment land value with an uplift in land value and consider that the site can support more than five affordable units.

10.58 The applicant considers the LPA is incorrect in applying an employment land value and have advised that an EUV and AUV RICS Survey is currently being undertaken in respect of the Existing Use Value (EUV) and Alternative Use Value (AUV) albeit no such evidence has yet been presented to the LPA for consideration. Furthermore, the LPA is also undertaking an independent Land Value exercise and the findings of this are expected prior to consideration at the Committee Meeting.

10.59 Accordingly, the LPA considers that an incorrect land value has been applied to the site which is impacting upon the level of Affordable Housing which the site can deliver. The LPA is therefore considered to absorb the overvaluation of the land in its provision of Affordable Housing, contrary to Local Planning Policy.
10.60 Officers have been willing to negotiate further regarding an increased in the level of Affordable Housing proposed to be delivered.

10.61 **Amenity and Equipped Open Space and Strategic Leisure Facilities:** No response. Any comments received will be presented at Committee.

10.62 **Refuse and Recycling:** New residential developments make a contribution calculated at £106 per dwelling equating to £1,908.

10.63 **Education:** A development of this size is expected to generate approximately four Primary School pupils and two Secondary and Sixth Form pupils, based on the housing mix and NCC pupil generation multipliers.

10.64 From a Primary Education perspective this development is closest to Roade Primary School. As of April 2016, the school was operating very close to full capacity with 4 of the 7 year groups at, or over full capacity. In order to ensure there is sufficient capacity to serve this development, a Primary Education is required of £43,944.00.

10.65 With regards to Secondary Education provision, a contribution towards providing local capacity for the children from this development is expected to be provided through CIL, demonstrated by the inclusion of Secondary Education on South Northamptonshire Council’s Regulation 123 List.

10.66 **Libraries:** 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. Based on the expected numbers of residents for each type of unit a Library Services Contribution of £3,542.00 is required to go towards expansion and improvements at the library in Roade.

10.67 **Primary Healthcare:** No response. Any comments received will be presented at Committee.

10.68 **Fire and Rescue:** Regarding Fire and Rescue, the County Council has identified that new developments and associated infrastructure within Northamptonshire equates to an increase in population as well as traffic movements. This will inevitably lead to an increase in the spread of community risk which places additional demands on Fire and Rescue Service resources to ensure safe places are maintained, consistent with national Government expectations and guidance.

10.69 There is an identifiable funding gap on capital costs towards new infrastructure required to meet the growth in population in South Northamptonshire and the wider area. Should the number of houses stay the same in Northamptonshire, the level of service currently offered would not have to be altered. However, it is clear that this is not the case.

10.70 The County Council applies a contribution rate of £106 per household towards local fire and rescue infrastructure costs; this cost is based on the current cost per household of providing Fire and Rescue services equating to a total of £1,908.00.

10.71 **Fire Hydrants:** New developments generate a requirement for additional fire hydrant(s) in order for fires, should they occur, to be managed. The hydrant(s) should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial buildings being occupied and achieved by means of
Condition.

10.72 Broadband: The Northamptonshire vision is for the county to be at the leading edge of the global digital economy. This requires new housing developments to be directly served by high quality fibre networks. 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.

10.73 Monitoring Costs: A fixed rate fee is levied in the case of all s.106 agreements towards the Council’s costs of monitoring a s.106 agreement (including the employment of a s.106 Monitoring Officer).

10.74 Village Fund: As set out in the Roade Masterplan a contribution of £500 per dwelling will be sought towards improvements within the village such as improved public car parking, townscape enhancement and landscape works equating to £9,000.

10.75 The above contributions are considered to be acceptable in accordance with the three tests set out in the Community Infrastructure Levy Regulations 2010.

11. CONCLUSIONS

11.1 As a result of the harm that would be caused the loss of an Employment Site by the absence of a Policy Compliant level of Affordable Housing and/or adequate Viability Statement to satisfactorily demonstrate why this cannot be achieved, the omission of s.106 Agreement in respect of developer contributions, insufficient Information to assess acceptability of proposed Surface Water Drainage Scheme and d an Inadequate Car Parking Provision to Detriment of Highway Safety, the proposal is recommended for refusal.
12. **HUMAN RIGHTS ACT**

12.1 The Human Rights Act 1998 sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (ECHR). The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1988. It is unlawful for a public authority such as South Northamptonshire Council to act in a manner which is incompatible with the ECHR.

12.2 Consideration has been specifically given to Article 6 (right to a fair trial), Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the ECHR. It is considered that the applicant has been given the right to a fair and public hearing under the established planning process adopted by the Council. The Secretary of State and courts are involved in the planning process where appropriate. It is also considered that the recommendation does not interfere with the applicant’s right under Article 8 ECHR, except such as is in accordance with the law, in the interests of national security, public safety, economic wellbeing of the country, prevention of disorder/crime, protecting health/morals, or to protect the rights and freedoms of others. The Council is also permitted to control the use of property in accordance with the general interest, and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13. **DUTY UNDER THE EQUALITIES ACT 2010**

13.1 In assessing this proposal, the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sex or sexual orientation).

13.2 The proposal would have a neutral impact on the protected characteristics.

14. **REASONS FOR REFUSAL**

14.1 Reasons for Refusal to be updated prior to Development Control Committee in respect of:

- Loss of Employment Site;
- Lack of Policy Compliant level of Affordable Housing and/or adequate Viability Statement to satisfactorily demonstrate why this cannot be achieved;
- Omission of s.106 Agreement in respect of Developer Contributions;
- Insufficient Information to Assess Acceptability of Proposed Surface Water Drainage Scheme;
- Inadequate Car Parking Provision to Detriment of Highway Safety.