Application expiry date : 10 December 2018

Case Officer : Tom Ansell

Applicant : Talbot Homes

Location : -
Land to the rear of 2 Main Road
Middleton Cheney OX17 2ND

Description : -
Proposed 4 dwellings (Use Class C3), widening of existing access and all other ancillary or enabling works

S/2018/1708/FUL

WARD : Middleton Cheney
WARD MEMBER : Cllr Val Furniss & Cllr Jonathan Riley
REASON FOR REFERRAL TO COMMITTEE:
Significant departure from adopted development plan or other SNC approved policies/strategies

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT

Proposal
The application seeks consent for the construction of four detached dwellinghouses to the rear (east) of Middleton House, 2 Main Road Middleton Cheney, which is considered to be outside the built form of Middleton Cheney and in open countryside.

Access to the site will be achieved from Main Road to the west, shared with Middleton House which itself is being recommended approval for conversion to 11 one and two-bedroom apartments (see application refs S/2018/1730/MAF and S/2018/1731/LBC).

Consultations
The following consultees did not raise specific objections to the proposal but did have some concerns:

- Middleton Cheney Parish Council

Four letters have been received; three stating objections and one offering comments/observations on the development.

Planning Policy
The development affects the setting of Lower Middleton Cheney Conservation Area, and Middleton House (2 Main Road) is a Grade II listed building. There are Archaeological Asset Sites present in the vicinity, and the site lies within a Special Landscape Area, with four Local Wildlife Sites within 2km.

The application has been assessed against the relevant policies in the NPPF and other relevant guidance.
Conclusion
The key issues arising from the amended application details are:

- Principle of Development;
- The visual impact of the development
- The impact of the development on the setting of the Lower Conservation Area and Grade II listed building
- The impact of the development on residential amenity
- The impact of the development on highway safety
- The impact of the development on wildlife and ecology
- Affordable housing provision
- Impact on facilities and infrastructure within the village

The report looks into the key planning issues in detail. Whilst officers conclude that the proposal is contrary to certain policies in the Development Plan, in that it proposes new residential development in open countryside, the development demonstrates sufficient benefits to outweigh the harm caused through the “principle” policy conflicts and is recommended for approval, subject to conditions and a legal agreement.

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

MAIN REPORT

1. APPLICATION SITE

1.1 The site is a plot of land approximately 0.25ha in size located to the east of the Grade II listed Middleton House, also known as 2 Main Road, which is sited towards the south-eastern edge of the village. The land is generally open and flat, partly tarmacked and partly grass, and was previously used as a car park for users of Middleton House, which itself was previously an office. It is bordered by mature landscaping to the north, east and southern boundaries. Landscaping also delineates the boundary on the western edge between some green space within the site and the formal garden belonging to Middleton House.

1.2 A public right of way (PROW) known as AU34 runs from east to west to the south of the site, meeting Main Road opposite numbers 7 and 10. To the east lies a large pasture which also flanks the residential development of Rochester Close. To the north lies Rochester Close, a development of around 17 new red brick and limestone dwellings. To the immediate west is Middleton House, and beyond that other residential properties that directly flank Main Road opposite the western elevation of the listed building.

1.3 Middleton Cheney has no village confines. The site, by virtue of its distance from the highway and existing properties fronting Main Road and noting the absence of built development within it, is considered to be outside the built form of the village.
and is regarded as being in Open Countryside.

2. **CONSTRAINTS**

2.1 In Open Countryside
2.2 Affects the setting (view out of) Lower Middleton Cheney Conservation Area
2.3 Within the setting of a Grade II listed building (Middleton House)
2.4 An Archaeological Asset Site
2.5 Within a Special Landscape Area
2.6 Within 2km of four Local Wildlife Sites

3. **PROPOSAL**

3.1 The application seeks consent for four detached dwellings arranged in an approximate U-shaped courtyard plan, facing in towards each other with curtilages to the rear projecting towards the site’s boundary.

3.2 The application includes detailed information on the site’s landscaping, highway alterations, ecological impacts and arboricultural works proposed.

3.3 Amended plans were received addressing various design concerns in respect of the form and scale of the dwellings, and relocating the detached garage with plot 3. Revised landscaping details in respect of the northern boundary of the site with Rochester Close and the existing/proposed vegetation have also been received addressing concerns raised by neighbours backing onto the site.

3.4 Each dwelling sits on a plot which benefits from external residential amenity space and parking to the front for at least three vehicles. There are now four proposed house types, following amendments to the design:

- **House type 1** is a linear two-storey three-bedroom dwelling with a facing stone principal elevation and side elevations and a red brickwork rear elevation. It has an attached timber car port which is enclosed on three sides. The house will have a slate roof.

- **House type 2** is an L-shaped two-storey four-bedroom dwelling finished in facing stone with a subservient projecting rear wing in red brick. It also has a red brick detached garage set back from the courtyard partially overlapping – yet detached from - the principal elevation. This house has a steep roof pitch and will be roofed in slate.

- **House type 3** is an L-shaped two-storey four-bedroom dwelling finished in facing stone with a subservient projecting rear wing in red brick. It has an attached car-port projecting from the principal elevation which is finished in timber and enclosed on three sides. This house has a shallower roof pitch than house type 2 which will be finished in slate.

- **House type 4** is a linear two-storey three-bedroom dwelling finished entirely in facing stone. It has an attached timber car port which is enclosed on three sides and has a steeply pitched slate roof.

The boundary treatment to plot 1 shows a brick wall, with one also being used
between the car port and garage between plots 2 and 3. The site plan also shows a post and rail fence between the northern elevation of plot 4 and the wall delineating the boundary to Rochester Close.

4. RELEVANT PLANNING HISTORY

4.1 The land was previously associated with Middleton House, and as such its planning history mostly relates to this building and its historic use as an office, which was approved in 1989.

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5. PRE-APPLICATION ADVICE

5.1 Pre-application advice was sought under reference P/2018/0010/PRM and a detailed report issued on 2nd May 2018. This pre-application sought advice on both converting the existing Grade II listed building known as Middleton House into 11 apartments and constructing nine dwellings on the land to the east.

5.2 The pre-application advice concluded that the proposed development of land to the east for dwellings was unacceptable in principle due to conflicts with policies EV2 and H6 of the Saved Local Plan and policy R1 of the Joint Core Strategy.

5.3 The pre-application advice acknowledged that, outside of Towcester and Brackley, Middleton Cheney is considered one of the most sustainable locations within the district. It also stated that a thorough assessment of the scheme in accordance with policy R1 and the tests set out in respect of achieving environmental and public
benefits (i.e. through demonstrating a local need), could lead to an appropriate form of residential development being acceptable.

5.4 Should such a principle be established, the pre-application confirmed that the level of development proposed (nine dwellings) was excessive and uncharacteristic of the wider locality, and lacked demonstration in how it would preserve the setting of the neighbouring listed building.

5.5 The pre-application advice concluded that, based upon a Housing Needs Survey, the provision of a courtyard development of three dwellings with car parking provided within a shared courtyard may be the most appropriate form of development.

5.6 In respect of neighbouring amenity, the pre-application drew attention to the dense planting between the site and numbers 2A, 4, 6 and 8 Rochester Close, and noted that these would maintain adequate separation.

6. **KEY ISSUES**

6.1 The principle of development
6.2 The visual impact of the development
6.3 The impact of the development on the setting of the Lower Middleton Cheney Conservation Area and Grade II listed building
6.4 The impact of the development on residential amenity
6.5 The impact of the development on highway safety
6.6 The impact of the development on wildlife and ecology
6.7 Affordable housing provision
6.8 Impact on facilities and infrastructure within the village

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): G3, H17 (residential amenity) EV1, EV2, EV11, EV12, EV19, EV24

7.3 WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY (JCS): Policies SA, S1, S10, BN2, BN5, R1, H1, H3, H4

   Material Considerations


7.5 PLANNING PRACTICE GUIDANCE (PPG): Design
7.6 SOUTH NORTHAMPTONSHIRE COUNCIL SPGs and SPDs: Backland Development, Conservation Areas, Developer Contributions, Listed Buildings (insofar as affecting the setting of), Nature Conservation, Parking Standards and Design, Residential Extensions (insofar as neighbouring amenity and appearance), Residential Design in the Countryside

7.7 VILLAGE DESIGN STATEMENT: Middleton Cheney

7.8 SNC DESIGN GUIDE: Chapters 4 to 8

7.9 NCC Highways Standing Advice June 2016

7.10 COUNCIL CORPORATE PRIORITIES: Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

7.11 The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

7.12 The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

7.13 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 MIDDLETON CHENEY PARISH COUNCIL: Comments (relevant to this scheme only) – No specific objections to the proposals of building four dwellings. The officer should take into account any material considerations and neighbour’s concerns. How would the lack of affordable housing be addressed? Keen for the existing trees to be protected, and definitely retained. Drainage and possible flooding issues should be considered. Access a concern given very close proximity to Rochester Close – could this be reviewed again by Highways?

8.2 SNC ECOLOGY: Comments - Confirms that the Ecological Survey prepared by Philip Irving dated June 2018 is appropriate and fit for purpose. If permission is granted then the recommendations from Section 6 of the report should be carried out in full, forming a suitably worded condition to ensure the recommendations and mitigation is delivered.

8.3 NCC HIGHWAYS: Initially objected in comments received 13th August 2018; however, correspondence between this consultee and the transport planning consultants acting on behalf of the agent and applicant, subsequently forwarded to
Officers on 23rd August 2018, confirms that the objection is no longer pursued.

8.4 BUILDING CONTROL: **No objection** – Confirms a building regulation application is required for the proposal and that there is no public sewer noted on the map of sewers within the proposed curtilage.

8.5 CRIME PREVENTION DESIGN ADVISOR: **Comments** – Notes that the use of a gated entrance reduces opportunities for unauthorised access, and the houses would benefit from intruder alarms. Recommends the side elevations of the houses on plots 1 and 4 are given windows at ground floor level to offer overlooking towards the visitor’s carpark. The application should refer to New Homes 2016 (latest guidance) rather than Secured by Design. The doors and windows should be third party accredited products. Any upgraded road should also be appropriately lit to reduce opportunities for crime and increase the personal safety of users (particularly pedestrians)

8.6 NCC ARCHAEOLOGY: **Comments** – Requires the inclusion of planning conditions 9.18 and 9.19 for a programme of archaeological work as per NPPF paragraph 199 to any permission granted on respect of the application.

8.7 SNC HOUSING STRATEGY: **No objection** subject to an appropriate financial settlement being reached with the applicant regarding an off-site contribution to affordable housing; such negotiations should be concluded as part of the planning application process and before any decision on the grant of planning permission is made.

*Officer Comment: a contribution to affordable housing can only be justified on the basis that the application is linked to the major application for the conversion of Middleton House, and so the site as a whole is delivering 15 dwellings)*

8.8 SNC HERITAGE: **Comments** – The Grade II building’s setting relates mostly to its curtilage, immediate environs and contribution to the street scene, and makes a limited contribution towards overall significance. Subject to the retention of the mature landscape buffer between the two parts of the garden, the new development as shown is not considered to harm the setting of the listed building. Any loss or reduction would be at the lower end of the less than substantial, and should be weighed against public benefits (Para 196 NPPF).

8.9 NCC KEY SERVICES: **Comments** (given on the basis of 15 dwellings being created between this development and the conversion of Middleton House) –

**Early Years Service:** Awaiting sufficiency of capacity study to be completed prior to updated position to the response can be given

**Primary Education:** Contribution of **£31,654** will be required towards the expansion, improvement and/or enhancement of primary education facilities and infrastructure at Middleton Cheney Primary Academy

**Secondary Education:** Will be captured via CIL (Regulation 123 list)

**Fire Hydrants & Sprinklers:** The proposed development could require 1x new fire hydrant at a cost of **£892** – the provision of this and/or sprinkler systems should be secured by planning condition (wording provided)

**Libraries:** Contribution of **£2,820** required in accordance with a figure of £88 per person based on BCIS building costs, to go towards expansion of and/or improvements to the library provision serving the development, on which the
development would have an impact.

Broadband: New developments should be directly served by high quality fibre networks. 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.

9. REPRESENTATIONS

9.1 MANOR COTTAGE, 7 MAIN ROAD MIDDLETON CHENEY: Comments – Highlighted areas within the Arboricultural Report (G4, G4, G9) and specific trees 13, 14, 15, 19 and 20 should be retained and maintained. The land to the east of the site should not be referred to as ‘undeveloped’ as it is top-grade productive agricultural land.

9.2 6 ROCHESTER CLOSE MIDDLETON CHENEY: Objection – Loss of enjoyment of privacy, loss of enjoyment of security, loss of highway safety, loss of enjoyment of tranquillity (noise from proposed development and car-parking), unnecessary damage to a conservation area. The loss of natural vegetation behind the Rochester Close boundary will cause people walking/driving in this section to have line of sight into the garden/house, invading privacy, exacerbated by the proposed position of visitor parking spaces. Insufficient parking provision within the site will cause people to park along the Rochester Close boundary, and lead to significant more vehicle traffic on a poor junction.

9.3 4 ROCHESTER CLOSE MIDDLETON CHENEY: Objection – Similar issues raised as to those mentioned by number 6 above in respect of loss of privacy and increase in noise through removal of trees and shrubs along boundary wall, with added concern in respect of security. Also notes impact upon wildlife and repeats concern in respect of access to the site in relation to the access into Rochester Close.

9.4 8 ROCHESTER CLOSE MIDDLETON CHENEY: Objection – Similar issues raised as to those mentioned by both numbers 6 and 4 above in respect of the removal of trees and vegetation, in that it will cause loss of privacy, security concerns, and have impact on wildlife. Concerns also noted in respect of access/traffic. Further comment received 11th September requesting Parish Council comments to be included with this application (Officers confirm this is the case).

9.5 All neighbours were reconsulted on 18th October in respect of the amended plans and particularly in respect of the revised landscaping and boundary treatments proposed to the northern edge of the site, to address concerns on privacy and amenity. No subsequent comments have been received at time of writing.

10. OFFICER’S REPORT

10.1 PRINCIPLE OF DEVELOPMENT: Policy R1 of the West Northants Joint Core Strategy (WNJCS) provides a framework and criteria for assessing proposals for residential development in the rural areas. It states that ‘development in the rural areas will be guided by a rural settlement hierarchy’ which, along with site allocations, will come forward in the Part 2 Local Plans. While the Part 2 Local Plan remains at an early stage of preparation saved Policies of the 1997 Local Plan
concerning the settlement hierarchy, taken together with policy R1, is the starting point for considering whether a proposal is in an appropriate location to accommodate new housing in principle.

10.2 That said, Policy R1 is also clear that once the housing requirement for the rural areas has been met, further housing development will only be permitted where it can be demonstrated that:

i. It would result in environmental improvements on a site, for example the re-use of previously developed land and best practice in design; or

ii. Is required to support the retention or improvement to essential local services that may be under threat; and

iii. The site has been subject to effective engagement, is in a Neighbourhood Plan or is an exception site

10.3 Policy R1 is also clear that new housing development should be within the existing confines of the village, and housing outside the village confines will only be permitted in exceptional circumstances. The Council is currently able to demonstrate well in excess of a 5 year housing land supply and furthermore the housing requirement for the rural areas, as set out in policy R1, has been met.

10.4 In the case of this proposal, the applicant’s Planning Statement (180718 P2) places emphasis on the draft South Northants Local Plan Part 2 (SNLPP2) and argues that this places a strong indication of the direction of travel. In this context, it is argued that the village confines are highly likely to be amended to include the land proposed for development, thus removing policy conflicts with R1 of the JCS and EV2/H6 of the Saved Local Plan, resisting development in open countryside. It is the view of the applicant that weight should be apportioned to the draft SNLPP2, although this is based on it being at submission stage by the time the application is determined.

10.5 The draft SNLPP2 has not yet been accepted by committee and is not at submission stage. Officers consequently do not afford it weight in decision making, as it is not yet certain that the alterations proposed would be brought forwards and adopted. Officers have had consideration for Para 48 of the revised NPPF in reaching this conclusion.

10.6 Consequently, Middleton Cheney is not regarded to have village confines, and whether a site is in open countryside or not remains a matter of judgement for Officers on a case by case basis. The site itself is situated some distance to the east of Middleton House, and to the immediate south of Rochester Close. Having visited the site, Officers note that to the east and south it is open and rural in character, free of built development. The site’s distance from Middleton House provides a degree of separation which affords it a more isolated and rural feel.

10.7 As a result of this, Officers conclude that the site should technically be considered to be in Open Countryside for the purposes of this planning application. Therefore, policy R1 of the JCS and saved policies EV2 and H6 of the Saved Local Plan are considered to remain the most up-to-date policy position of the Council.

Assessment

10.8 The development proposes four large new detached dwellings which are not submitted as being ‘affordable’ under current definitions. The development therefore
does not comply with any of the exceptions listed under policies H6 or EV2 of the Saved Local Plan, and is considered to conflict with the policy of restraining development in the open countryside set out by these policies.

10.9 However, Officers must consider whether material harm arises from such a conflict, and whether there are any other material planning reasons to withhold permission. In the first instance, Officers consider it relevant to look at the site itself, its previous uses and its relationship to the village as a whole.

10.10 The proposed site is a car park once used by Middleton House. There is a grassed area immediately to the west of the car park; however, Officers consider the land to be ‘developed’ in the sense that it has previously been used for uses other than agriculture. The site’s history suggests that it was previously a tennis court, and following consent granted in 2001 it became a car park associated with the offices. The development of this land for residential use, therefore, would not cause an irreversible loss of Best and Most Versatile agricultural land, and would rather represent redevelopment of land that falls within the definition of “Previously Developed Land” in the NPPF and the West Northants Joint Core Strategy.

10.11 The site’s position also relates well to the existing village, and particularly Rochester Close; a development of 17 dwellings to the immediate north of the site. The site’s eastern boundary projects no further into the countryside than the eastern boundary of Rochester Close, and extends down no further than the southern extent of the extensive gardens of Middleton House. Therefore, it represents a minor but well related and physically contained extension to a village regarded as one of the most sustainable locations in the district outside of the urban centres of Brackley and Towcester. The extension is sited in a manner which does not result in an incongruous projection or intrusion into the more clearly separate and higher quality agricultural land to the east and south of the site. As such, Officers are of the view that there would be no discernible outward extension of the village into the surrounding, undeveloped countryside.

10.12 Officers note the comments from SNC’s Housing team, and acknowledge that they would seek an off-site provision in lieu of affordable housing being provided as part of the development (together with the conversion of Middleton House to 11 apartments). An off-site contribution has been offered by the applicant, and can be secured by the Council through use of a Section 106, thus addressing this point of concern and mitigating the harm.

Conclusion

10.13 Consequently, while there is a principle conflict in respect of policies R1 of the JCS and H6/EV2 of the Saved Local Plan, Officers conclude for the reasons set out above that this conflict alone, on this occasion, does not cause identifiable material harm. Therefore, should a detailed consideration of the layout, design and appearance of the houses conclude that there is no other harm caused by the development, Officers do not believe this principle conflict alone is sufficient in justifying the withholding of planning permission on this occasion. Other material considerations will now be assessed below.

10.14 THE VISUAL IMPACT OF THE DEVELOPMENT: The Officer’s pre-application report concluded that, notwithstanding any policy conflicts in respect of the principle of development, that a more appropriate scheme to the nine dwellings suggested would be a ‘courtyard development of outbuildings serving no more than 3 no. new
dwellings with car parking provided within a shared courtyard'.

10.15 The submitted scheme, as shown on plan TBH620-021H, takes the form of a U-shaped courtyard with parking provided within a shared space in the middle. The four dwellings, following revisions to the design and scale, are now clearly two-storey structures, and remain a mixture of linear rectangular buildings and L-shaped buildings with subservient projecting wings to the rear. A car port to plot 2 and a detached garage to plot 3 are positioned to the south of the site to enclose the site. In terms of scale and layout, the development is considered appropriate and broadly in accordance with what previous Officers set out would be acceptable from a design perspective.

10.16 The dwellings are all of a rural vernacular character, with the omission of the eaves dormers and variation in roof pitches creating a pleasantly mixed and interesting arrangement. They have a gable depth of approximately 6.3m, and are simple in design and appearance. The simple design is complemented by a reduced material palette now predominantly featuring local stone with subservient or less visible elements finished in red brick to match the house. Following the omission of the more urban features (the lean-to canopies and side-lights to the doors on the principal elevation), and other minor alterations to the fenestration, the appearance of the properties is felt to have been simplified and made more in keeping with the district’s recognised rural vernacular and the design approach set out in the application’s accompanying Design and Access Statement.

10.17 The garage to plot 3 has two side-hinged timber doors separated by masonry, with a plinth at the bottom under what appears to be vertical timber cladding. The car ports are simple timber structures, enclosed on all sides except one, under a roof matching the main dwelling. These features are appropriately subservient and sympathetic in character to the dwellings they serve.

*Landscaping*

10.18 Alterations to the landscaping to provide an improved highway, along with new visitor car parking and a turning head in the north-eastern corner of the site are all shown on the proposed site layout plan and more detailed landscaping plans included with the application. The detailed planting arrangements and material palettes indicated are considered acceptable, and provide an adequate balance between additional harder landscaping and the retention of existing softer landscaping features.

10.19 However, Officers will impose a more specific landscaping condition in respect of the exact details of driveways/parking layouts and boundary treatments in and around the individual plots to ensure no undesirable subdivision within the courtyard is proposed and that where boundaries between properties are desired, they are appropriate for the context of the site. A condition will also be used to prevent such subdivision being undertaken by the occupiers of the houses under permitted development rights.

10.20 Officers consider the retention of trees and planting on the northern boundary to be desirable, although it must be noted that these trees are not currently afforded protection under planning regulations. The revised site and landscaping plans are now clearer in that they show removal of some trees in this location, with a wildflower understorey remaining as well as Western Red cedar and Red Robin planting softening the appearance of a new 1.8m close-boarded fence designed to
mitigate the reduction in privacy caused to the neighbours to the north. The landscaping condition referred to above will include a requirement to provide further details of this understorey and the planting along the fence to make sure it accords with the character and setting of the site and area.

Conditions & conclusion

10.21 Conditions requiring samples of materials and architectural detailing in respect of all aspects of the development will be imposed and will require approval prior to those parts of the scheme being implemented. This will ensure the highest possible design and finish is secured in this sensitive location.

10.22 To conclude, Officers are satisfied the scheme represented is of a high quality which is appropriate for the semi-rural setting of the site, and does not cause any harm to the character or appearance of the immediate vicinity or wider area.

10.23 THE IMPACT OF THE DEVELOPMENT ON THE SETTING OF THE LOWER MIDDLETON CHENEY CONSERVATION AREA AND GRADE II LISTED BUILDING: Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.24 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Listed building

10.25 The site lies to the east of the Grade II listed Middleton House, within its wider curtilage, and while it’s positioned outside of the Lower Middleton Cheney Conservation Area it is afforded some limited views from within, albeit from the private grounds of the dwelling rather than the public realm. Glimpses across the conservation area from the PROW to the south are also attainable.

10.26 Officers note the response from the Heritage Officer and concur with the view that, on the basis that the strong established screening between the formal gardens of the house and the site remain in place (as they are shown to do so on the plans) there should be no harm caused to the setting of the Grade II listed building.

10.27 Officers are of the view that, in the event that harm is caused to the setting of the building, there are very limited public benefits to be derived from approving the development in respect of outweighing this in accordance with Paragraph 196 of the NPPF. Furthermore, there is a risk that the existing mature screening may not be retained once the proposed dwellings are occupied. Therefore, the landscaping of the site and retention of this boundary will be controlled via planning condition to maintain this separation which has been identified as being important in preventing harm.

Conservation area

10.28 In respect of the conservation area, the only views attainable from the public realm would be to the south on a PROW running east to west along the boundary. The plans show all existing boundary vegetation in this location will be retained, thus
screening views of the development. That being said, the development as proposed is of a high quality, using design and materials appropriate to the setting, and its arrangement is sympathetic to its semi-rural setting. Consequently, any glimpses of the development possible from the PROW would not cause harm to the setting of the conservation area, given the sympathetic nature of the development.

10.29 Other views from the public realm may be possible to the west, but they would be long-distant and only glimpsed from Main Road through the site’s entrance. More prominent views within the conservation area facing out will be possible within the private setting of Middleton House. As above, the high quality design and well thought-out arrangement of the properties ensures that from these vantage points the development appears sympathetic within the semi-rural setting, and as such the significance of the conservation area is considered to be unharmed.

10.30 Therefore, Officers are satisfied that the development, by virtue of the proposed landscaping and high quality design and careful arrangement, preserves the setting of the Grade II listed building and will not have an impact on the views through or out of the conservation area from both the public realm and the private views attainable within the grounds of Middleton House.

10.31 THE IMPACT OF THE DEVELOPMENT ON RESIDENTIAL AMENITY: As structures, the four dwellings do not impact upon any other neighbouring properties in respect of amenities (i.e. overlooking/enclosure of private amenity space/loss of light etc). All four properties also benefit from an adequate degree of private amenity in the form of generous rear gardens. It is necessary, however, to consider the impact the properties have on each other.

10.32 Plots 1 and 4 are of the same house type and face each other, albeit offset slightly. The principal elevation features two windows at ground floor, one serving a living room which is dual aspect and another serving a utility/pantry. The distance between these windows is 18m, around 4m short of the 22m offered as the minimum limit for separation distances between habitable room windows. On the first floor are two windows, both serving bathrooms/ensuites, and as such are non-habitable and can be conditioned to be obscure glazed.

10.33 In respect of the downstairs windows, the off-set nature of the elevations, the dual aspect nature of the living space and the limited size of the pantry – restricting its usability as a habitable space – all mean that the level of harm caused through having an 18m gap instead of a 22m gap is negligible, and not considered sufficient by any means to justify withholding planning permission.

10.34 A similar assessment is considered applicable to Plots 2 and 3 (house types 2 and 3); the elevations are off-set, and while there is a bedroom at first floor facing towards a bedroom opposite, the off-set position and 18m gap is sufficient to avoid this slight deviation from normal guidelines causing harm.

10.35 Plots 2 and 3 have projecting wings which flank the boundaries with Plots 1 and 4. While these are not considered to enclose or detract from the amenity spaces of plots 1 and 4, the position of these features to the immediate south will cause some shadows to be cast into the rear gardens of Plots 1 and 4. That being said, Plots 1 and 4 benefit from generous plot sizes, and there is a car port acting as a buffer between these wings and any higher value amenity space, which is likely to be to the immediate rear of the dwellings themselves.

10.36 Officers are therefore satisfied that the four dwellings themselves adequately
safeguard amenities for all proposed residents of the development itself.

**Rochester Close**

10.37 It is noted, however, that concerns have been raised by occupiers of numbers 4, 6 and 8 Rochester Close, particularly in respect of privacy and security (visual amenity and appearance is covered in Paragraphs 10.20 to 10.22 of the report).

10.38 As it stands, the existing land to the south of Rochester Close is a car park, and this use will continue albeit with visitor spaces to the north of the site which are more likely to be sporadically used. This use will not cause any sense of overbearing or loss of light; however, in the event that there is no form of screening or vegetation in this position those using the parking spaces will be within 12-16m of the rear amenity spaces of numbers 4, 6 and 8, with only a 1m high wall serving as a boundary. Consequently, a view towards a private space will be attainable, albeit relatively briefly and at ground level with a 1m high wall providing a small element of separation.

10.39 Officers acknowledge that the concerns raised are valid, and have been able to secure amendments to the proposed landscaping and boundary treatments in this location. The amendments propose a 1.8m high close-boarded fence along the northern boundary which will be softened over time by planting shown on the proposed site layout plan TBH620-021H and landscaping masterplan ALD807-MP012 Rev P02. Such screening will mitigate the effects of having a degree of existing vegetation removed while also ensuring the area remains visually acceptable having regard to its sensitive location.

10.40 In respect of noise and disturbance, the existing carpark and access could have been lawfully used in an intense manner in connection with the building’s previous operation as an office. The proposed development of the site and relocating of some car parking spaces will clearly make the site permanently occupied which Officers acknowledge will generate a level of noise and disturbance from cars arriving/departing and car doors being opened/closed etc. However, Officers are not convinced that noise and disturbance caused will be above and beyond what was possible before when the building was an office, and at any rate it is likely the visitor spaces will remain sporadically used. As such, Officers do not think withholding permission on the basis of noise and disturbance is reasonable or would be supported at appeal.

10.41 Furthermore, Officers appreciate that occupiers in Rochester Close derive a sense of security from the mature screening. However, in contrast to the concerns aired in the comments received, the development of the land from an isolated car park with no form of surveillance to a residential environment with more ‘natural’ surveillance of parking areas is likely to improve the safety and security for those backing onto it, as the habitat becomes less accommodating to those wishing to commit crime.

10.42 Therefore, subject to a condition being imposed to control the boundary treatments along the northern edge of the site, Officers are of the view the development safeguards the amenities of all existing and future occupiers of neighbouring properties.

10.43 **THE IMPACT OF THE DEVELOPMENT ON HIGHWAY SAFETY:** In respect of parking, the four dwellings are provided with at least two uncovered off-road parking spaces each. Plots 1, 2 and 4 all have attached car ports which are of a proper size and are open-fronted; as such these can also be counted as additional spaces,
meaning these plots benefit from at least three off-road spaces, which exceeds or meets the requirements of the Council’s adopted SPD on Parking Standards and Design for three and four-bedroom houses. Plot 3 has a detached double garage, which the Council no longer counts as off-road parking space in accordance with the aforementioned guidance, and as it is four-bedroom it should have three off-road parking spaces (one of these being for a visitor). However, the visitor car parking to the north is considered to be in an appropriate position clear of the highway and will ensure anyone attending the property has a safe and overlooked place to park which does not increase risk to public highway users.

10.44 In respect of highway safety, the development should be considered alongside the proposed conversion of Middleton House to 11 apartments. 31 parking spaces have been marked on the submitted site layout plan; including the spaces shown for the new dwellings this number increases to 45. This indicates a minimum number of daily traffic movements of at least 90, assuming each vehicle leaves and returns once; Officers are of the realistic view that this number is likely to be higher.

10.45 Officers note that a building of the size of Middleton House, if used as an office to its fullest potential, would require a minimum of 45 spaces to comply with the Council’s adopted SPD on Parking Standards and Design. It should be noted that the space available at the site presently would allow for significantly more than this number to be accommodated. It is reasonable to assume that a business use would entail visitors coming and going more frequently along with employees and other service vehicles.

10.46 Therefore, Officers do not consider that the proposed residential development of the site has the potential to cause the existing access to be used more intensively than it could have been should the original building remain an office. This appears to be a view shared by the officer at NCC Highways, who has withdrawn any objection to the scheme on this basis.

10.47 Notwithstanding this, Officers note the intention to introduce a 6m wide access road through the site and increase the width of the opening at the junction with Main Road. Inside the site, a hammer-head turning circle to the north-east of the four dwellings will allow large vehicles (i.e. refuse collection lorries) to perform safe manoeuvres. These additional measures serve to mitigate any minor additional harm arising from how the site will be used in the future.

10.48 Officers note that the existing gate at the front has been removed. While the existing premises has a gate set back from the highway, Officers consider that having such a boundary feature would potentially cause significant disruption to highway safety given the increased potential for there to be conflicts between vehicles entering/leaving the site. As such, a condition prohibiting the introduction of any form of gate at the site’s entrance shall be used to ensure such a feature is not reintroduced at a later stage.

10.49 On the basis of the above condition being imposed, Officers are satisfied that the proposed development does not cause any increase in harm to the safety of public highway.

10.50 THE IMPACT OF THE DEVELOPMENT ON WILDLIFE AND ECOLOGY: The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should
only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

10.51 Natural England’s Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it’s likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion, or
- affected by the development.

It also states that LPA’s can also ask for a scoping survey to be carried out (often called an ‘extended phase 1 survey’), which is useful for assessing whether a species-specific survey is needed, in cases where it’s not clear which species is present, if at all, and an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren’t affected at each stage (this is known as a ‘condition survey’).

10.52 Under Regulation 41 of the Conservation Regulations 2010 it is a criminal offence to cause harm to a EPS and/or their habitats which includes damage or destruction of a breeding site or resting place. However, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

1) Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature?

2) Is there any satisfactory alternative?

3) Is there adequate compensation being provided to maintain the favourable conservation status of the species?

10.53 In order for the local planning authority to discharge its legal duty under Reg 9(5) of the Conservation Regulations 2010 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing to authority has to consider itself the 3 derogation tests above. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

10.54 In this case the site is surrounded by mature trees and hedgerows, and the proposal will involve some works to these that could disrupt any protected species present within the site. This is particularly relevant for the works to the northern boundary where there is thicker mature and built up vegetation. However, SNC’s Ecology Officer has reviewed the Ecological Survey prepared by Philip Irving which is dated June 2018, and has confirmed that it is appropriate and fit for purpose. This
The report finds that the development will not have a significant impact on protected species or habitats, and sets out recommendations within Section 6 to mitigate against any harm that could be caused (along with details on potential wildlife enhancements), which the Ecology Officer advises should be carried out in full by using an appropriately worded condition.

10.55 Therefore, it is considered that subject to the recommendations of the survey report that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development.

10.56 **AFFORDABLE HOUSING PROVISION**: Policy H2 of the Joint Core Strategy sets out a requirement for 50% of housing provided in the rural areas of South Northamptonshire to be affordable on developments of five or more dwellings.

10.57 Cumulatively, the scheme under consideration in this report and the linked scheme for 11 apartments to be achieved from converting 2 Main Road (S/2018/1730/MAF) provide a total of 15 dwellings, and this will therefore trigger policy H2 and require a 50% provision of affordable housing. Officers note that no affordable housing provision is provided across the two sites in this instance; instead, the applicant offers an off-site contribution to be agreed with the Council to meet tests set out in Policy H2 while reflecting the site’s viability.

10.58 Policy H2 allows for exceptional circumstances where a commuted payment in lieu of an on-site provision may be supported where it would offer an equivalent or enhanced provision of affordable housing. In the case of the sites being considered jointly (for the purpose of affordable housing provision), the applicant justifies the omission of affordable housing by emphasising that despite the small scale of the scheme, the re-use of the heritage asset through the creation of flats will attract higher than average build and maintenance costs. This would likely deter registered providers from taking on any affordable housing provided on site.

10.59 Noting the comments of the Council’s Strategic Housing Team, Officers accept that a high quality and sensitive conversion of the Grade II listed building into apartments of bespoke design will attract higher than average build costs, and that maintaining such properties would not be attractive to registered providers should affordable provision be provided on site. Officers attach great importance to securing the heritage asset’s optimum viable use and safeguarding its future, and consider that the proposed development represents an opportunity to do this while still ensuring contribution is made to affordable housing provision elsewhere in the village.

10.60 Furthermore, securing an off-site financial contribution to affordable housing provision in the area is essential in securing support for the principle of development. Four dwellings of the sort proposed (large, detached 3 and 4-bedroom) would ordinarily only be acceptable should there be a demonstrable local need for them, and on this occasion no such need has been demonstrated. However, an off-site affordable provision allows the Council to mitigate the omission of affordable housing from the scheme proposed by ensuring that support can be given to an affordable housing scheme in an alternative sustainable location in the area which would meet local needs.

10.61 Therefore, Officers accept the exceptional circumstances argument put forwards by the applicant and, on this occasion, agree that an off-site commuted sum in lieu of
on-site affordable housing provision is an appropriate way to mitigate any harm arising from the absence of housing stock to meet local needs.

10.62 IMPACT ON FACILITIES AND INFRASTRUCTURE WITHIN THE VILLAGE: A development of this scale (when considered with the linked application to convert the main house to flats) in a rural location such as Middleton Cheney will have an impact upon the local facilities and infrastructure within the village. Specifically, given the variety of dwellings proposed, additional pressures will be felt by the local educational services and other community facilities such as the local library. Furthermore, the provision of more dwellings will necessitate additional investment in services and infrastructure, such as refuse/waste recycling.

10.63 Such pressure would be unacceptable without a form of mitigation, and as such Officers consider that the proposals trigger the need to consider securing planning obligations that meet the three tests set out in Paragraph 56 of the NPPF in respect of Planning Authorities imposing planning conditions and obligations on developers:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10.64 Consequently, Officers are of the view that a Unilateral Undertaking is necessary to secure financial contributions towards mitigating the additional pressure the development would cause on local facilities and infrastructure. In this respect, Officers are seeking the following:

- Off-site amenity space provision in the locality
- Off-site equipped play space provision in the locality
- Provision of refuse/recycling bins
- Contribution towards primary educational infrastructure (Middleton Cheney Primary Academy)
- Contribution towards library infrastructure (Middleton Cheney Library)
- Payment of the Council’s monitoring costs

10.65 Whilst provision of additional fire hydrant(s) serving the development or payment towards the provision of additional fire hydrant(s) has also been sought, in this case Officers consider this request would not meet the tests set out above because the provision of adequate measures to ensure fire safety is covered by the Building Regulations approval process.

10.66 It should be noted that Officers are currently in discussion with the applicants and their agents regarding viability and how this might impact on the amounts that can be secured in respect of the above. However these negotiations are ongoing and any agreement by Officers to accept reduced contributions will only be made following a thorough and robust consideration of the viability evidence. On the basis of an acceptable Unilateral Undertaking being received by either the statutory expiry date of the application, or by a future date agreed by both the Council and the applicant, Officers are satisfied that the impact on local facilities and infrastructure can be adequately mitigated and the development can be approved.
11. **CIL LIABILITY**

11.1 It is estimated that this development would attract a Community Infrastructure Levy (CIL) payment totalling **£58,674** under the Council’s current CIL Charging Schedule. This has been calculated based on the amount of new residential floor-space introduced across the four new dwellings proposed, under the Residential Rural Zone (above affordable housing threshold) charging schedule fee.

11.2 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)).

11.3 **Officer comment:** 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.

11.4 *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.*

12. **PLANNING BALANCE AND CONCLUSION**

12.1 For the reasons set out in the report above, Officers find that the only conflict with adopted planning policies is in respect of the principle of development, and having considered the site, its relationship and context with the nearby buildings and proximity to what is one of the most sustainable settlements within the district outside of Brackley and Towcester, Officers conclude that this technical conflict in principle in itself is not sufficient to withhold permission in this instance.

12.2 Furthermore, having considered the other material elements of the scheme, Officers are satisfied that the development represents a scheme of an appropriate layout, scale and density for its location which respects the semi-rural character of the setting and avoids harming the significance of heritage assets. It safeguards residential amenity and does not have any implications in respect of highway safety that are any more impactful than the building’s previous use as a substantial office.

12.3 Consequently, notwithstanding the technical conflict with principle policies, Officers determine that the scheme does not introduce any identifiable material harm that would sufficiently justify withholding permission, and in line with the NPPF’s presumption in favour of sustainable development, it can be recommended for approval subject to a S106 agreement being forthcoming and the conditions set out at the end of the report being imposed.

13. **HUMAN RIGHTS ACT**

13.1 The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”)
any decisions, South Northamptonshire Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

13.2 The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

13.3 Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case the comments/concerns raised by third parties are listed above and have been taken into account before determining the application, and third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

13.4 Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

Article 14

13.5 Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

14. DUTY UNDER THE EQUALITIES ACT 2010

14.1 S149 of the Equality Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

14.2 Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

15. RECOMMENDATION

Delegate to the Assistant Director for Planning Policy and Development to grant permission, subject to
1. The conditions set out below (and any amendments to those conditions as deemed necessary) and

2. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following;
   a) Provision of off-site contribution in lieu of affordable housing provision;
   b) Provision of a payment of a financial contribution towards provision and maintenance of off-site leisure facilities in the locality of £2064.40 per dwelling.
   c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £55 per dwelling (index linked) together with any suggested trigger points;
   d) Payment of a financial contribution towards primary educational infrastructure serving Middleton Cheney Primary Academy of £1,614 per 2-bed dwelling, £3,972 per 3-bed dwelling and £4,592 per 4-bed dwelling (total £31,654) (index linked) together with any suggested trigger points;
   e) Payment of a financial contribution towards library infrastructure serving the development of £109 per 1-bed dwelling, £176 per 2-bed dwelling, £239 per 3-bed dwelling and £270 per 4-bed dwelling (total £2,820) (index linked) together with any suggested trigger points;
   f) Payment of the Council’s monitoring costs of £1000
   g) Any amendments to the above as deemed appropriate and necessary by Officers following assessment of the applicant’s case concerning the viability of the development (on-going).

Further Recommendation: The statutory determination period for this application expires on 10th December 2018. If the Section 106 agreement/undertaking is not completed and the permission is not able to be issued by 10th December 2018 and no extension of time has been agreed between the parties, it is further recommended that the ASSISTANT DIRECTOR FOR PLANNING POLICY AND DEVELOPMENT is given delegated authority to refuse the application for the following reason;

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposal provides for facilities, infrastructure or an off-site affordable housing provision that would be required as a result of the development. This is to the detriment of both existing and proposed residents and contrary to Policy INF2 of the adopted West Northamptonshire Joint Core Strategy and
the Council’s Supplementary Planning Document entitled Developer Contributions (December 2010). Policy INF2 permits new developments only where the on and off-site infrastructure necessary to support it and mitigate its impact can be provided through a reliable mechanism (such as a unilateral undertaking or other form of Section 106 legal agreement).

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

**Time Limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

**Approved Plans**

2. The development shall not be carried out otherwise than in complete accordance with the following approved plans:

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<thead>
<tr>
<th>Document Name/Drawing Number</th>
<th>Date Received by Local Planning Authority</th>
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<tr>
<td>Cover Letter</td>
<td>18&lt;sup&gt;th&lt;/sup&gt; July 2018</td>
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<tr>
<td>[Drg No. TBH620-020] Site Location Plan (Final Issued)</td>
<td>18&lt;sup&gt;th&lt;/sup&gt; July 2018</td>
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<tr>
<td>[Drg No. 30919/1] Topographical Survey (Final Issued)</td>
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<td>Heritage Impact Assessment (Final Issued)</td>
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<tr>
<td>Landscape Proposals [Project Ref. ALD807/18 Doc Ref RP901 Rev. P03] (Final Issued)</td>
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<td>Ecological Survey (Final Issue)</td>
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<td>ALD807_PL423 RevP02 Dwelling-schedule</td>
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<tr>
<td>TBH620-007D - House Type 1 - Floor Plans</td>
<td>16&lt;sup&gt;th&lt;/sup&gt; October 2018</td>
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unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To clarify the permission and for the avoidance of doubt.

**Ecological survey**

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 6 of the Ecological Survey of Middleton House prepared by Philip Irving and dated June 2018 unless otherwise agreed in writing by the Local Planning Authority.

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

**CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVE PRIOR TO WORKS COMMENCING**

**Construction Management Plan**

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

I. a traffic management plan
II. a routing strategy for the routing of construction traffic to the site
III. the parking of vehicles of site operatives and visitors;
IV. loading and unloading of plant and materials;
V. storage of plant and materials used in constructing the development;
VI. the siting of any cabins or structures associated with the construction phase;
VII. a scheme for recycling/disposing of waste resulting from construction works;
Submit Written Scheme of Investigation (archaeology)

5. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

Submit Archaeological Report

6. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 4 above the applicant (or their agents or successors in title) shall submit to the Local Planning Authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

Landscaping Scheme

7. Notwithstanding the details shown on plans and documents TBH620-021H and ALD807_MP012 Rev P02 received on 16th October 2018, the development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority an acceptable scheme for landscaping the site which shall include:

a. details of any proposed tree, shrub and hedge planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

b. details of any existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
c. details of the hard landscaping including hard surface areas, pavements, parking areas, pedestrian areas and steps,

d. details of all boundary treatments, including height, position, alignment, material, and finish/colour.

The details approved under (d) shall thereafter be provided prior to the first use or occupation of the part(s) of the site the approved boundary treatment(s) are intended to screen or enclose.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with policies G3(L) and EV29 of the South Northamptonshire Local Plan.

**Stone Panel**

8. The external walls of the dwellings, garage/carport and wall shown on the approved plans to be stone shall be constructed in natural limestone which shall be laid, dressed, coursed and pointed using a lime based mortar in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy G3(A) of the South Northamptonshire Local Plan.

**Roofing Materials**

9. Samples of the slates (including ridge tiles) to be used in the covering of the roof of the dwellings, garage/carport and log box shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy G3(A) of the South Northamptonshire Local Plan.

**Samples of walling materials (timber cladding)**

10. Samples of the timber cladding, including the proposed colour, to be used on the walls of the dwellings, car ports and log box as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy G3(A) of the South Northamptonshire Local Plan.
Samples of walling materials (brick panel)

11. The external walls of the dwellings and garage, the northern boundary wall for Plot 1 and the wall between Plots 2 (carport) and 3 (garage) shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy G3(A) of the South Northamptonshire Local Plan.

Meter boxes

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

Reason: In order to safeguard the visual amenities of the area in accordance with Policy G3 of the South Northamptonshire Local Plan.

Architectural detailing

13. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwellings, including the windows and doors (and their surrounds), together with the eaves and verge treatment and rain water goods shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the buildings above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To preserve the setting of the conservation area in accordance with Policies EV11 of the South Northamptonshire Local Plan.

Maintenance of planting

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

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

**Unexpected contamination**

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

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

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

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

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Policy G3 of the South Northamptonshire Local Plan.

**PRE-OCCUPATION CONDITIONS**

**Access Details**

16. Prior to the occupation of any dwelling, details of the proposed construction, materials and surfacing of the access road into the site and its junction with the public highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before first occupation of the dwellings and thereafter permanently
maintained as such.

Reason: To ensure that an adequate and safe access is provided to the site in accordance with policy G3(B) of the South Northamptonshire Local Plan.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Prohibition of entrance gates into the site

17. The existing gates into the site and the entrance into the site with Main Road shall remain free of any form of gate(s), barriers or any other means of enclosure as depicted on plan TBH620-021J received 14th November 2018.

Reason: In the interests of road safety, to prevent conflicts between vehicles at the site’s entrance and to comply with Policy G3(B) of the South Northamptonshire Local Plan which requires that development shall have a satisfactory means of access.

Permitted development rights removed for solar panels

18. Notwithstanding the provisions of Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no solar PV or solar thermal equipment shall be installed on the buildings hereby permitted without the prior planning permission of the Local Planning Authority.

Reason: To protect the character of the area in accordance with Policy G3 of the South Northamptonshire Local Plan.

Permitted development rights removed for extensions

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

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy and to protect the character of the area and the setting of designated heritage assets, in accordance with Policy G3, EV11, and EV12 of the South Northamptonshire Local Plan.

Permitted development rights removed for means of enclosure

20. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling hereby permitted, at any time, without the prior express planning
permission of the Local Planning Authority.
Reason: In order to retain the open character of the development and area in accordance with Policy G3 of the South Northamptonshire Local Plan.

INFORMATIVES

Construction sites

The applicant’s and/or the developer’s attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for ‘prior consent’ to carry out works, which would establish hours of operation, noise levels and methods of working