

Woodcote House (Formerly Happylands) Church Lane
Stoke Bruerne NN12 7SG

S/2018/2115/FUL

Applicant: Mr & Mrs R Mallock

Proposal: Demolition of existing dwelling and erection of replacement dwelling, ancillary swimming pool/gym/plant building, ancillary garage block and all associated works

Ward: Tove

Councillors: Cllr Sandra Barnes

Reason for Referral: The report dated 3rd January 2019 had an incorrect reason for referral, it should have stated that the application was referred to committee by the Assistant Director for Planning and Economy, on the basis that the proposal is controversial

Expiry Date: 7 January 2019

Committee Date: 7 February 2019

This application was subject to a Committee Members Site Visit, which took place on 22 January 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO CONDITIONS

Proposal

The application seeks consent for the demolition of the existing dwelling and the construction of a new dwelling in the 'Grafton Farmhouse' style, with associated outbuildings (detached garage and linked swimming pool and personal gym).

Responses

The following consultees have raised objections/concerns with the application:

- SNC Heritage

The following consultees have raised no objections to the application:

- Stoke Bruerne Parish Council, Historic England, NCC Archaeology, SNC Environmental Protection, SNC Ecology, SNC Building Control

In addition one letter of comment (neither objecting nor supporting the application) has been received.

Planning Policy

The application site lies beyond the village confines in open countryside. The site contributes to the setting of a Grade II* listed church, and there is a public right of way running to the north, beyond the church. The site is in a Special Landscape Area and also an area of archaeological interest.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

Principle of development

Visual impact of design, scale and siting of development

Impact of development on neighbouring properties

Impact of development on setting and significance of Grade II* listed building

Impact of development on archaeological asset site

Impact of development on ecology

The report looks into the key planning issues in detail, and officers conclude that the proposal, on balance, meets the requirements of relevant SNC policies in respect of the principle of development, design, and the impact on the setting of the adjacent church. There will be no adverse impact on neighbours or on ecology.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site consists of a moderately large detached L-shaped dwelling rendered white with a dark buff brick base. This dwelling was granted planning permission as 'Happylands' on 26th March 1957. It has a steeply pitched gabled roof with flat-roofed box dormers on its north-eastern, south-eastern and south-western elevations. The property appears predominantly as being one and a half storeys in scale with a first floor set within the roofspace.
- 1.2. The application site is substantial in size and mostly consists of grass lawn extending to approximately 0.9ha. The levels within the plot rise to where the existing dwelling is situated, making it visually prominent. The site's south-western boundary is delineated by a wire fence approximately 1.2m high, punctuated by trees of varying maturity. To the south-east of the site is Green Pastures, a two-storey dwelling on a much smaller plot. The site's eastern boundary with Church Lane is bordered mainly by mature hedgerow and trees, and its northern boundary with St. Mary's Church mainly consists of large pleasant mature trees.

2. CONSTRAINTS

- 2.1. Within open countryside (outside Stoke Bruerne village confines)
- 2.2. Within a Special Landscape Area
- 2.3. Within an Archaeological Asset Site
- 2.4. Within 2km of six Local Wildlife Sites

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for the demolition of the existing dwelling and the construction of a new dwelling in the 'Grafton Farmhouse' style, which will be two-storeys in scale, have a deep rectangular plan form with a hipped roof.
- 3.2. The property's principal elevation will face north-west toward the church. The new dwelling will have a rectangular flat-roofed garden room with a roof lantern atop. To the south-west of the new dwelling will be a large flat-roofed outbuilding to house a swimming pool, gym and plant room; this will also feature a roof lantern atop. To the north of the dwelling will be a large L-shaped garage block which will have a hipped roof and six garage bays.
- 3.3. The new dwelling and swimming pool will cumulatively create 588m2 of residential floor area, with 416m2 for the new dwelling and the remaining 172m2 for the swimming pool. The new garage creates a further 211m2 (approx.) of floor space, bringing the total new residential floor area created on site to 799m2.
- 3.4. Within the grounds would also be new proposed planting along the northern, eastern and southern boundaries, as well as a new ornamental pool and subterranean ground source heat pump array.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
S/2018/0861/FUL	Demolition of existing dwelling and proposed replacement dwelling and garaging	Withdrawn

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Pre.App Ref.</u>	<u>Proposal</u>
P/2018/0002/PRM	Demolition of existing dwelling and proposed replacement dwelling and garaging

- 5.2. Pre-application advice was sought in respect of demolishing the existing dwelling and constructing a new dwelling under reference P/2018/0002/PRM. The Officer was unable to offer support to the principle of development by virtue of it being contrary to policy R1 of the Joint Core Strategy and policies EV2 and H6 of the saved local plan. The Officer also aired concern about the potential impact it would have upon the setting of a Grade II* listed building (St. Mary's Church) and also in relation to the proposed style of dwelling proposed.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 18 October 2018 although

comments received after this date and before finalising this report have also been taken into account.

6.2. Chimney End Bridge Road Stoke Bruerne comment as follows:

- The scheme does slightly reduce the footprint of the earlier one, but still includes a substantial set of garages and a workshop, more akin to the size of a bungalow together with a swimming pool
- These buildings are outside the village envelope and are obtrusive
- If these buildings were not included in the development it would be much more acceptable

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. STOKE BRUERNE PARISH COUNCIL: Comments as follows:

- The Parish Council **does not object** to the development of the house on approximately the current footprint.
- It does question the proposed ancillary buildings; do these buildings breach planning policy? These buildings are significant in size and outside the village confines, so would they be permitted development in this location?
- The Parish Council requests the developer's cooperation in improving Church Lane during the development and on completion.

CONSULTEES

7.3. BUILDING CONTROL: No objections; fire brigade access required; Radon protection required; all surface water to soakaway

7.4. HISTORIC ENGLAND: No comments offered

7.5. SNC ECOLOGY: No objections and comments as follows:

- The Bat Assessment (2018-05(04)) by Ecolocation dated 24th August 2018 is appropriate and fit for purpose and follows the appropriate industry guidelines and best practice.
- If the mitigation and compensation measures detailed in Section 5 of the report are carried out in full and successfully then the development proposals are not thought to have a significant impact on protected species or habitats
- A condition requiring the mitigation and compensation measures as detailed in Section 5 of the report should be included on any approval.
- A condition requiring either the license issued by Natural England authorising the development to go ahead or a statement in writing from the relevant

licensing body to the effect that it does not believe the development will require a license will also be received prior to commencement of development

- Existing trees and shrubs retained should be protected via appropriate fencing during construction phase to protect them from incursion and damage by construction operations

7.6. NCC ARCHAEOLOGY: Comments received 5th October 2018 set out how the revised application did not take the potential for archaeological assets into consideration adequately and advised that trial trenching at pre-determination stage be undertaken to clarify the situation and provide information to assess the potential of the site.

7.7. However further correspondence received on 31st October 2018 containing a Written Scheme of Investigation confirmed that NCC Archaeology were satisfied with this approach and had no objections to the development being determined.

7.8. SNC HERITAGE: Expresses concern as follows:

- The scale mass and design of the proposed dwelling will result in a far more prominent structure(s) and will be more clearly visible in the foreground of the church, thereby harming its setting both in terms of wider landscape and immediate setting
- In this instance the setting makes a positive contribution towards significance, therefore any harm arising to the significance should be weighed against public benefit

7.9. SNC ENVIRONMENTAL PROTECTION: No objections subject to two conditions being applied to any permission granted:

- Details and designs of an electric vehicle charging point within the site prior to commencement of development
- Unexpected contamination reporting and mediation

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The West Northamptonshire Joint Core Strategy Local Plan (Part 1) was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and provides the strategic planning policy framework for the District to 2029. The Joint Core Strategy replaced a number of the 'saved' policies of the adopted South Northamptonshire Local Plan 1997 though many of its policies are retained and remain part of the development plan. The relevant planning policies of South Northamptonshire's statutory Development Plan are set out below:

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles

- R1 – Spatial Strategy for the Rural Areas

SOUTH NORTHANTS LOCAL PLAN 1997 SAVED POLICIES (SNLP 1997)

- G3 – General Development Principles
- EV1 – Design
- EV2 – Development in the Countryside
- EV7 – Special Landscape Areas
- H6 – Residential Development in the Countryside
- EV24 – Species Protection

DRAFT SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

The draft South Northamptonshire Part 2 Local Plan was submitted to the Planning Inspectorate for Examination on 22nd January 2019. Dates for the examination are yet to be confirmed, but in accordance with Paragraph 48 of the National Planning Policy Framework (NPPF) the Council may now give weight to relevant policies in the draft Plan according to:

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

As the Plan was submitted prior to 24th January 2019, in accordance with Paragraph 214 of the NPPF consistency should be tested against the previous Framework published in March 2012.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- SNC SPG “Residential Extensions”, “Residential Design in the Countryside”
- Village Design Statement: Stoke Bruerne
- SNC Design Guide: Chapters 4 to 8

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils 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.

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.

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.

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.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Visual impact of design, scale and siting of development
- Impact of development on neighbouring properties
- Impact of development on setting and significance of Grade II* listed building
- Impact of development on archaeological asset site
- Impact of development on ecology

Principle of Development

Policy Assessment

9.2. The application site lies outside the defined settlement boundary of Stoke Bruerne and therefore in planning policy terms it lies within the open countryside. Saved Policy H6 of the Local Plan considers new residential development in the countryside. Whilst this policy was initially adopted in 1997, it was saved in 2014 upon the adoption of the West Northants Joint Core Strategy, which at the time reflected the general policy position of the National Planning Policy Framework (NPPF) in 2012. While the NPPF has recently been revised, these revisions do not render the position of the Joint Core Strategy (nor the saved policies) inconsistent. Therefore, policy H6 is considered to remain relevant and up to date, and can be afforded weight in decision making.

9.3. Policy H6 seeks to restrict development in the open countryside. It sets out a number of exceptions, one of which is: The replacement of an existing outworn dwelling which is structurally unstable and beyond economic repair provided the new dwelling is:

A - Sited on approximately the same footprint as the original dwelling; and,

B - Is of the same general size as the original dwelling.

Assessment

9.4. The application is not supported by any evidence (i.e. a structural survey) to demonstrate that the existing property is structurally unstable, and following an Officer site visit, the property appears externally to be in a good structural condition and does not appear to be beyond economic repair. That said, it is not unreasonable to say that a pragmatic approach might be taken in the instance that a replacement dwelling of the same general size and on the same footprint is proposed. This is particularly in light of the policies within the Council's JCS and revised NPPF which put a presumption in favour of sustainable development at the heart of decision making. Put another way, if a proposal for a replacement dwelling was considered acceptable in all other respects, the fact the existing dwelling was not beyond economic repair would not itself justify refusing permission.

- 9.5. Therefore, the key issue in this case is the extent to which the proposal complies with A) and B) above, which require the new dwelling to be sited on approximately the same footprint as the original dwelling and be of the same general size as the original dwelling. The supporting text to Policy H6 makes clear that the reason for this approach is to protect the District's rural areas from unnecessarily intrusive and harmful development that could erode its attractive quality and character.
- 9.6. The existing floor-space of the dwelling is given on plan 2028/3A as 282m². The proposed dwelling, particularly when viewed cumulatively together with the proposed outbuildings, is substantially larger both in footprint and overall scale and massing than the existing dwelling. Using the figures supplied on plan 2028/3A it is clear that the proposed scheme will introduce more than double the amount of residential floor-space into this open countryside location. In the view of Officers, this goes beyond what is allowed for under Policy H6 and as such the proposal conflicts with the Development Plan in this regard. However, in the light of the Council's JCS and revised NPPF, the question that must be asked is whether this results in harm.
- 9.7. Significant effort has been made by the applicant to demonstrate how the proposed dwelling sits mostly on the same footprint as the existing dwellinghouse. Plan 2028/3A within the "Heritage Settings Assessment" shows the extent of the property's existing footprint and its elevational scale against the scale of the proposed dwelling, and also sets out the extent the existing dwelling can be modified without needing planning permission, utilising "permitted development" rights. These theoretical modifications are intended to show how its size and scale could be increased in a way which would create a viable fall-back position for the applicant, should permission be refused for the replacement dwelling. It is also argued that the two outbuildings proposed (swimming pool and garage) fall under "permitted development" and could be built in the grounds of the current dwellinghouse. Finally, it is argued that the existing building, constructed around 60 years ago, is 'unequivocally...not worthy of retention' (paragraph 4.37 p.53 Planning and Design Statement).
- 9.8. In considering the fall-back position suggested by the applicant in respect of modifying the existing house, the Council can only afford this weight if it is comparable to the scheme being considered, how certain it is that it could be implemented as shown, and how realistic it would be that the applicant would implement this if the scheme is refused or fails at appeal.
- 9.9. In this case, it is clear that the two schemes are not comparable, given the proposed scheme is for a large two-storey dwelling with a rectangular plan-form and the existing dwelling is one-and-a-half storey dwelling with an L-shaped plan-form. The space and layout, and most importantly the overall aesthetic and finished appearance desired by the applicant, is highly unlikely to be achievable through modifying the existing property. As such Officers would advise that limited weight should be attributed to the "permitted development" fallback position in respect of altering and extending the existing dwelling and instead the proposal must simply be judged on its own merits.

Conclusion

- 9.10. The existing dwelling is clearly read as a modestly proportioned one-and-a-half storey property with the majority of its first-floor windows set within the steeply pitched roof. That said Officers acknowledge that it does not accord with what is regarded as the typical district vernacular, and as such its loss would not be resisted on design grounds and there is scope to achieve a design enhancement more appropriate to its edge of village context and setting. Therefore, subject to the design being acceptable and there not being a wider harm, and noting that the outbuildings (or something similar in terms of visual impact) could be provided as

“permitted development”, it is the view of Officers that notwithstanding the conflict with Policy H6, on balance the principle of development can be supported.

- 9.11. Officers acknowledge that Policy R1 of the JCS is also concerned with the provision of new housing in the rural areas, and that this policy is clear that once the housing requirement for the rural areas has been met, further housing development will only be permitted where public benefits can be demonstrated such as an environmental improvement or supporting the retention of local services.
- 9.12. 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. As a single dwelling, the proposal does not strictly comply with the criteria of Policy R1 in terms of providing a clear public benefit. That said, this scheme proposes a replacement dwelling rather than a new one outright, and as such there is no net gain in the number of dwellings. As such Officers are content that any technical conflict with Policy R1 does not constitute a reason to refuse planning permission in this case.

Visual Impact of Design, Scale and Siting of Development

- 9.13. As set out earlier in the report, the existing dwelling is relatively modest in its scale and finished in white render, sitting on the western side of a large plot of land which itself is to the west of Church Lane. The existing dwelling has an atypical design relative to the local vernacular of Stoke Bruerne.
- 9.14. The plot on which the existing dwelling sits has interesting and notably topographical qualities; the finished floor level of the north-eastern edge of the dwelling is a little less than 4m higher than the ground level within Church Lane to the east. From site visits it is clear to see that the dwelling sits on the most prominent and proud part of the landscape within the site, and the property’s steeper roof pitch and high ridge line both emphasise this by making the otherwise modest dwelling appear more prominent in the landscape.
- 9.15. The applicant’s main argument for permitting the proposed scheme, notwithstanding the matter of principle and what could be achieved under “permitted development”, is that the existing dwelling is architecturally ‘not worthy of retention’ and has an ‘anachronistic discordant appearance’ relative to the local historic vernacular within the village (paragraph 4.38, p.53, Planning and Design Statement). Therefore, replacing it with a Grafton Farmhouse style dwelling is argued to represent a ‘significant architectural enhancement’ (paragraph 4.42 p.54), particularly when contrasted with the alleged negative contribution made by the existing dwelling.
- 9.16. Officers are not entirely convinced that the proposed scale, form and design is truly reflective of the local vernacular. Grafton Farmhouses are indeed recognised as a form of farmyard development that can be found in the local area and it is not necessarily wrong for the applicant to seek to draw inspiration from these. Stoke Plains, Stoke Gap, Foscothe House and Charlock Farm are all representations of Grafton Farmhouse arrangements. Notably, all the above examples benefit from statutory listed status. However, these examples are typified by a very specific arrangement usually consisting of a main ‘central’ wing forming the farmhouse and two slightly smaller and symmetrical wings set back on either side. Usually to the rear of the main house are associated outbuildings, arranged in a legible U-shape. They are also generally located in more isolated open countryside locations, with no discernible relationship to any settlement confines
- 9.17. The proposed scheme can be argued to be of a Georgian style, but not particularly reflective of the Grafton Farmhouse vernacular suggested by the applicants in the supporting documentation. The large rectangular house has a deeper than usual plan form, creating a large hidden flat roof, which emphasises its bulk and mass. The outbuildings are not positioned or arranged in a typical U-shape or other manner and are more typically domestic in appearance than agricultural. In

particular, the swimming pool, by virtue of its flat-roof and modern roof lantern, and the flat-roofed orangery/summer room attached to the south-eastern elevation of the dwelling, are both unsympathetic to the design approach argued to have been taken in this instance, and are instead overtly modern and more suited to residential environment.

- 9.18. That said, it is noted that the dwelling is to have its finished floor levels reduced, and that additional landscaping is proposed to further reduce views of the property in the wider landscape. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, and this indicates that whilst the new dwelling will be seen in longer distance views, its hipped roof form and use of more traditional materials will mitigate its impact somewhat. A high quality finish and appearance, including use of appropriately sourced local materials to reinforce the local vernacular, can be secured by condition. In addition, Officers note that the proposed outbuildings (or something similar) could potentially be achieved as “permitted development” and in any event will not be obviously visible from outside the site.
- 9.19. In summary, the development is very finely balanced. All in all, whilst Officers are not entirely convinced the proposal is a true or accurate representation of proper Grafton Farmhouse style development, it nevertheless results in a more traditional form of development with the use of vernacular materials with limited harm to the wider landscape and character of the area, including the setting of the village. As such, and very much on balance, the proposal is considered to accord with policies G3 and EV1 of the Saved Local Plan, policy SA of the Joint Core Strategy, Section 12 of the NPPF and the guidance set out within the Council’s Design Guide.

Impact of Development on Neighbouring Properties

- 9.20. Notwithstanding the scale and spread of the proposed development within the site, by virtue of the plot’s size and the distance between any built form proposed and the boundaries/windows of neighbouring properties, Officers conclude that the development does not cause harm to the private amenities enjoyed by the occupiers of any nearby residences.
- 9.21. The swimming pool building does propose a plant room, situated close to the western boundary of the property. This has potential to cause a degree of noise through its heating and maintaining the pool. However, its distance from the closest sensitive receptors avoids there being any meaningful concern over the impact such noise would have on residential amenity. A condition requiring further details of the plant room, including the location of any openings and specifications of any equipment proposed within, can be imposed to control this further.

Impact of Development on Setting and Significance of Grade II* Listed Building

- 9.22. 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.
- 9.23. The existing house and plot lie mostly to the south and south-west of the Grade II* listed Saint Mary’s Church, which has a church yard extending westwards along the northern boundary of the property’s curtilage.
- 9.24. The application is supported by a Heritage Settings Assessment, which sets out how, in the author’s view, the church itself feels ‘disconnected from the village by the vegetation that defines its grounds’ and ‘its raised topographic setting’. Furthermore, it concludes that the ‘visual relationship with Church Lane...is relatively weak’ (paragraph 4.10, Heritage Settings Assessment, p.21). There are also a number of photographs provided showing viewpoints of the church from a distance, from the canal bridge within the village core and from Stoke Lane. The Assessment accepts that the setting of the Grade II* listed Church will be altered (paragraph 5.14), but

that the introduction of a Grafton Farmhouse style structure into views towards the Church from the south will 'assist in more clearly understanding the important influences on the historic development of the parish', and thus should be considered an enhancement.

- 9.25. The Council's Heritage Officer has offered a contrasting view, first of all stating that the current dwelling does not unduly compete with the church although it is visible within distant views and therefore does impact the setting. They go on to say that the new two storey dwelling, designed in the Georgian style with extensions and outbuildings, creates a formal elevation that will be visible across the valley with a large level of glazing which could draw or distract the eye from the Grade II* listed church. They conclude that the scale, mass and design of the proposed developments would result in it being more prominent and clearly visible against the backdrop of the church, thus harming its immediate setting as well as its landscape setting.
- 9.26. Officers note the comments and concerns of the Council's Heritage Officer. However the Heritage Settings Assessment has been completed by a suitably qualified and experienced Heritage Consultant, and Historic England – who are a statutory consultee in respect of development affecting a Grade II* listed building – have chosen not to object. Officers are mindful that the existing dwelling is currently visible in longer distance views of the church and its setting, and is arguably more visually striking than the proposed dwelling given its white rendered painted finish. The proposed dwelling will be constructed in softer natural stone typical of the local vernacular, and will have a low slung hipped roof. On balance, and given the extent of existing and proposed landscaping surrounding the application site limiting immediate juxtaposed views of both the proposed dwelling and the church, Officers are satisfied that the proposal will not result in a material increase in harm to the setting of the listed Church.
- 9.27. With regard to the Conservation Area, the application site falls outside of this by some distance and due to the lack of inter-visibility it is considered there would be no harm to the setting or significance of the Conservation Area.
- 9.28. As such the development on balance complies with policy EV12 of the Saved Local Plan, BN5 of the Joint Core Strategy and Section 16 (paragraph 196) of the NPPF.

Impact of Development on Archaeological Asset Site

- 9.29. Due to the amount of ground disturbance proposed by the new scheme, which includes an ornamental pool and subterranean array, the development initially attracted the attention of the County archaeologist who advised that additional information was required prior to determination in order to adequately address their concerns.
- 9.30. A subsequent Written Scheme of Investigation (WSI) was prepared by Cotswold Archaeology, dated October 2018, and was received by the Council on 31st October 2018. Correspondence shows that this WSI is in order and accepted by the County Archaeologist, and as such a reasonably worded planning condition can be used to control the impact the development would have on any archaeological assets present within the site.

Impact of Development on Ecology

- 9.31. 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.

- 9.32. 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
 - affected by the development
- 9.33. 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
 - 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')
- 9.34. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site does contain a large garden in a rural area, close to existing mature vegetation and therefore has the potential to be suitable habitat for protected species.
- 9.35. Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that "every public authority must, in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity".
- 9.36. Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of the EC Habitats Directive which states that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 9.37. 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?
- 9.38. 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.
- 9.39. 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.

- 9.40. In this case the site contains a number of established trees and consists of a large garden within a rural setting. The application is supported by a Preliminary Roost Assessment & Roost Characterisation Survey prepared by Ecolocation and dated 24th August 2018 which provides a number of mitigation and compensatory measures within Section 5.
- 9.41. The Council's Ecology Officer was consulted on the application and confirmed that there was no objection to raise on this application subject to conditions being used to require any proposed development to comply with the mitigation measures set out in Section 5 of the report. Based on this no objection and the details provided in the protected species survey 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. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. It is estimated that this development would attract a Community Infrastructure Levy (CIL) payment totalling approximately £121,843.80 under the Council's current CIL Charging Schedule. However 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>).
- 10.2. *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.*
- 10.3. *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.*

11. PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal is for a replacement dwelling in the open countryside which has points both for and against it making the considerations to approve or refuse very finely balanced. In this case, whilst substantially larger than the existing in terms of volume and floorspace, the proposed development is not considered to result in a significant adverse impact on the character of the area or the setting of the adjacent Grade II* listed church. Therefore, and noting the proposed landscaping and the ability to secure a high quality finish and use of local materials by condition, on balance the proposal is considered to be acceptable in accordance with saved Policies G3, EV1, EV7 and EV24 of the adopted 1997 Local Plan, policies SA, S1, and S3 of the JCS, Sections 2, 3, 4, 5, 11 and 12 of the NPPF, the Council's SPG on Residential Extensions and Residential Design in the Countryside and the Design Guide Chapters 4 to 8.

12. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time limit

1. The development 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.

Compliance with Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans: Site Location Plan, Figure 7 "Development Proposals Masterplan" dated 15.08.18, Drawing Nos. 2028/4, 2028/5, 2028/10B, 2028/11B, and 2028/2B 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.

Compliance with Ecology Survey

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 5 of the Bat Assessment by ecolocation (ref: 2018-05(04) dated 24th August 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.

Retention of Existing Trees

4. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the development for its permitted use:
 - (a) No retained tree shall be removed, cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998 (Tree Work).
 - (b) If any tree is removed, cut down, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as specified in writing by the Local Planning Authority.

Reason : To ensure the continued health of retained trees and in the interests of the visual amenity of the area and to comply with Policies G3 and EV21 of the South Northamptonshire Local Plan.

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

Construction Method Statement

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason : To protect the amenities of nearby residents and to safeguard the visual amenities of the area in accordance with Policy G3 of the South Northamptonshire Local Plan.

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

Finished Floor Levels

6. No development shall take place in respect of the construction of the new dwelling hereby approved until details of all finished floor levels in relation to existing and proposed site levels and to the existing dwelling to be demolished have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

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

Landscaping Scheme

7. Notwithstanding the details submitted, a revised and detailed scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the 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, pedestrian areas and steps.

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

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

Implementation of Landscaping

8. 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.

Stone Sample Panel

9. The external walls of the buildings hereby permitted 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.

Roof Samples

10. Samples of the tiles and/or slates (including ridge tiles) to be used in the covering of the roofs of the buildings hereby permitted 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.

Architectural Detailing

11. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwelling and outbuildings hereby permitted, including the windows and doors (and their surrounds), together with the eaves and verge treatment, porches, parapets, rooflights, and chimneys, shall be submitted to and approved in writing 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.

Treatment of Plant Room

12. The plant room serving the swimming pool hereby permitted shall not be used or operated until a scheme for the suitable treatment of the plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed and operated in accordance with the approved scheme at all times the swimming pool building is in use for the purposes hereby permitted.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy G3 of the South Northamptonshire Local Plan.

EV Charging Points

13. Prior to the commencement of development of the buildings hereby approved above slab level, details of the location and provision of ducting to allow for future installation of EV charging infrastructure, taking into consideration the availability of electrical supply and designed making reference to information held by the local distribution network operator, shall be submitted to and approved in writing by the Local Planning Authority. The approved provision shall be formed, and laid out in accordance with these details before first occupation of the development and shall remain in place thereafter.

Reason: To maximise the opportunities to promote the use of sustainable transport modes and the use of renewable energy, and to limit the impact of new development on air quality, to comply with Policies S10, S11 and BN9 of the West Northamptonshire Joint Core Strategy 2014 and guidance contained in the National Planning Policy Framework.

Archaeological Report

14. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation submitted with the application (CA Project: 661219 dated October 2018 prepared by Cotswold Archaeology) 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).

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.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Remove Class A-D PD (Extensions)

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

Reason : To protect the character of the area and the setting of a listed building, in accordance with Policy G3 and EV12 of the South Northamptonshire Local Plan.

Remove Class E PD (Outbuildings)

17. Notwithstanding the provisions of Class E 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 building or structure [other than oil or LPG storage tanks] shall be erected or placed within the curtilage of the

dwellinghouse hereby permitted without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area in accordance with Policy G3 of the South Northamptonshire Local Plan.

INFORMATIVES

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. If any vegetation or trees are to be removed, it should first be ensured that they do not contain nesting birds or roosting bats. For further information or to obtain approval contact Natural England.
2. 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

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