

Case Officer: Clare Caldwell

Applicant: Manor Oak Homes

Proposal: Residential development comprising 2x1-bedroom apartments, 2x2-bedroom apartments, 4x2-bedroom houses, 7x3-bedroom houses and 5x4-bedroom houses (20 in total) including open space, access and ecological enhancements

Ward: Middleton Cheney

Councillors: Cllr Val Furniss and Cllr Mark Allen

Reason for Referral: Major development

Expiry Date: 7th August 2020

Committee Date: 6th August 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning permission for 20 homes.

Consultations

The following consultees have raised objections to the application:

- Middleton Cheney Parish Council

The following consultees have not raised objections to the application;

- NCC Archaeology
- Thames Water
- SNC Environmental Protection
- NCC LLFA
- SNC Ecology
- SNC Conservation
- SNC Building Control
- SNC Arboriculture
- NCC Highways

The following consultees have commented on the application:

- NCC External Funding
- Clinical Commissioning Group (CCG)
- SNC Planning Policy
- Northants Police CPDA

The following consultees support the application:

- SNC Strategic Housing

Letters of objection have been received from 22 properties with no letters of support.

Planning Policy and Constraints

The site lies outside the settlement confines as designated in the Part 2 Local Plan and on land considered to be open countryside.

The site also lies within a designated Special Landscape Area.

Part of the site lies within an area of archaeological interest, but it is not within a conservation area or within the setting of any listed buildings or scheduled monuments.

The site is within Flood Zone 1 and within 2km of a number of Local Wildlife Sites.

Public Rights of Way run to the south (AU14, AU13, AU34/BA4) east (BA15 and BA3) and north of the site (BA11 and AU36).

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Layout and Design
- Landscape and visual impact and impact on the character of the village its and setting
- Highways impact
- Heritage impact
- Flood Risk and Drainage
- Residential amenity
- Ecology/Biodiversity impact
- Trees and Hedges
- Pollution Control – noise, air quality, contaminated land
- Local Infrastructure and S106 obligations
- Other planning matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reason;

1. Unnecessary housing development beyond the settlement confines and in a designated Special Landscape Area which results in adverse visual and landscape harm which is contrary to the development plan and for which material planning considerations that would outweigh this conflict have not been demonstrated.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a roughly 'L' shaped field of pasture situated to the east of Middleton Cheney. It lies south of Thenford Road and is undeveloped but for a small open-fronted former livestock shelter in the south-east corner.

- 1.2. The site boundary, for the majority, is bound by mature hedgerows with a number of mature hedgerow trees. The northern boundary of the site with Thenford Road is defined by a hedge and post-and-wire fence, with an existing agricultural access in the north-eastern corner. The southern and eastern boundaries are defined by mature hedgerows, with mature hedgerow trees located to the south eastern corner of the site.
- 1.3. The site is bounded by existing residential properties to the west/south-west, and opposite across Thenford Road. To the east lies expansive open countryside and beyond the southern boundary is a small field of rough grassland.
- 1.4. There are a number of public rights of way (PROW) in the vicinity of the site, the closest being AU14 to the south of the site.
- 1.5. The historic 'core' of lower Middleton Cheney lies to the west, focussed along Main Road.
- 1.6. The nearest bus stops are on the junction of Thenford Road and Main Road, a short walk away. The Stagecoach 500 service runs between Banbury and Brackley at half hourly intervals Monday to Saturday and hourly on Sundays.

2. CONSTRAINTS

- The site lies on land considered to be open countryside
- The site lies outside the settlement confines as designated in the Part 2 Local Plan
- The site lies within a designated Special Landscape Area
- Part of the site lies within an area of archaeological interest
- The site is not within a conservation area or within the setting of any listed buildings or scheduled monuments
- The site is within Flood Zone 1
- The site lies within 2km of a number of Local Wildlife Sites
- Public Rights of Way run to the south, east and north of the site
- Hedgerows run along most site perimeters and there are some mature trees along some of the site boundaries
- There are residential properties in close proximity to some of the site perimeters
- The land rises in a westerly direction towards the village

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for 20 homes arranged along a single access road leading from the proposed new site access on Thenford Road towards the site's north eastern corner. The access will be a simple priority junction with a carriageway 4.8m wide bound by 2 x 1.5m wide footways. A new footway is proposed along Thenford Road between the site access and the existing footway to the site's west (circa 30m away).
- 3.2 The development consists of 50% open market housing and 50% affordable housing and the mix is as follows;

SCHEDULE OF ACCOMMODATION:			
Type	Sq Ft.	No.	Total Sq Ft.
<u>Affordable:</u>			
HA 1B Apartment	540	2	1080
HA 2B Apartment	680	2	1360
HA 2B Bungalow	640	1	640
HA 2B Semi-Detached	840	1	840
HA 3B Semi-Detached	1103	2	2206
HA 4B Semi-Detached	1160	2	2320
		10	8,446
<u>Sale:</u>			
2B Bungalow	640	2	1280
3B Chalet Bungalow	1025	2	2050
3B Detached A	1160	2	2320
3B Detached B	1175	1	1175
4B Detached A	1425	1	1425
4B Detached B	1565	2	3130
TOTAL:		10	11,330
GRAND TOTAL:		20	19,776

- 3.3 Public open space is provided along the eastern and southern site boundaries, with a large area of open space to the south incorporating a children's play area. The existing vegetation to all site boundaries will be retained and reinforced with tree, shrub and hedge planting. New wildflower grassland habitat will also be created throughout the open space. Two detention basins are proposed; one in the north eastern corner of the site (the Thenford Road frontage) and one within the open space to the south (which will be a pond).
- 3.4 The proposals demonstrate a net density of 25.52 dwellings per hectare and a gross density of 17.93 dwellings per ha. Public open space amounts to circa 0.33ha.
- 3.5 The proposed dwellings range from apartments, to bungalows, 1.5 storey homes and two x 2.5 storey homes; predominantly detached. They are of a traditional design finished in a combination of brick and natural stone with slate roofs.
- 3.6 The application has been amended since the original submission to respond to comments made by consultees, residents, the Parish Council and the case officer. This has resulted in a reduction of homes from 23 to 20 and amendments to the site layout and the design of the homes. A small building originally proposed to be retained has also been removed after its retention was the subject of objections from neighbours and the Parish Council.
- 3.7 The application is accompanied by a range of technical reports that are referenced in this report as necessary.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal

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/2019/0213/PRM	Residential development of approximately 20 dwellings

- 5.2 The applicant was advised that because the site fell beyond the village boundary and in open countryside, support could not be given for a market led housing scheme. The applicant was advised that it may be possible to promote the site as either a rural exception site, an entry level exception site or a self-build site. Alternatively, the site could be promoted through the Neighbourhood Plan. There were also concerns expressed about the impact on views from the south from the PROW.
- 5.3 The application is accompanied by a Statement of Community Involvement which sets out how the applicant engaged with the local community prior to the application submission. Various public consultation was carried out including a mail out to 368 addresses across lower Middleton Cheney; a public exhibition in November 2019 attended by 36 visitors; a dedicated website; approaches to the Parish Council and attendance at a meeting of the Neighbourhood Plan Steering Group.
- 5.4 The applicant states that public engagement has taken place in parallel with the site's promotion to the emerging Neighbourhood Plan.
- 5.5 The applicants state that seven parties submitted representations to the plans and that the plans were amended where possible to try and address some of the comments. This included the realignment of some plots, further drainage work and review of the planting plan.

6. RESPONSE TO PUBLICITY

- 6.1. This application was originally 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 13th March 2020. Those residents who commented were re-consulted on the receipt of amended plans as necessary and the final date for comments on the amended proposals is 30th July 2020.
- 6.2. Letters of objection to the original proposals have been received from 22 properties with no letters of support. In addition, letters of objection from 5 properties have been received to the amended proposals. The objections raised can be summarised as follows:

Principle of development

- Outside village confines and in open countryside. Contrary to development plan and no material considerations to deviate from it.
- Lack of infrastructure to support the development – no doctors, a library under threat and schools at capacity. No employment.
- Disproportionate development in the village over recent years. The village is growing too quickly.
- Housing locations should be determined by the Neighbourhood Plan.
- Encourages car use.

Loss of countryside/visual impact

- The site is within a Special Landscape Area
- Loss of greenfields and agricultural land
- Impact on wildlife

Site location

- Site is not well located to the village and its services

Traffic and Highways

- Adds to parking and traffic issues and safety risk for pedestrians. Traffic information is flawed.
- Thenford Road is used as a rat-run and drivers use excessive speed. Another access is cause for concern. The road is of inadequate width and near the crown of a hill.

Impact on neighbours

- Loss of privacy and light for adjacent residents.
- Difficulties maintaining site boundaries/hedges.
- Devaluation of adjacent properties and loss of their views.
- More clarity needed on issues affecting neighbours.
- Loss of dark skies and car lights intruding on existing homes.
- Disruption and disturbance during construction.
- Loss of satellite reception and implications for existing solar panels.

The submission

- Mistakes in the submission.
- The proposed green spaces should never be built on and there should be no more than 23 homes.
- Over-development.
- Open space will allow anti-social behaviour.
- Inadequate drainage.

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. MIDDLETON CHENEY PARISH COUNCIL: **Objects** on the following grounds;

- Potential boundary issues
- Proximity to neighbouring properties
- The proposed 'open space' and stone shed could create a place where antisocial behaviour can occur (*Officer note: stone shed now to be removed*)
- The current hedge would be impossible to maintain (over 2m wide) - needs specialist equipment
- The Neighbourhood Plan is in its final stages in consultation with the community and disappointing that this has not been taken into consideration.
- Ecology issues - protection of wildlife in the area
- Direction properties are facing
- Documents referred to are out of date
- Highways issues - parking/narrow road/free movement of traffic
- Risk to pedestrians
- Access
- Development Plan, Local Plan and West Northamptonshire Joint Core Strategy
- Please take into account neighbours' views and concerns

CONSULTEES

7.3. NCC HIGHWAYS: **Comments:** Some minor changes are required to the site layout to accord with NCC standards.

7.4. NCC KEY SERVICES: **Comment:** Early Years - there is a shortage of Early Years entitlement places, with the number of eligible pupils exceeding the spaces available. The number of additional pupils generated by this development is likely to exacerbate this. Therefore, it is expected that a s106 planning obligation will be necessary to meet the needs of this development and ensure children can be accommodated locally. **A S106 contribution of £71,248 will be required.**

Primary Education - the proposed site would most likely be served by Middleton Cheney Primary Academy. However, as at January 2020, this school was operating at 98%, above the Department for Education's recommended capacity thresholds and with current forecasts indicating continued high levels of demand for places. It is expected that there will not be sufficient capacity within existing provision to be able

to accommodate the likely number of pupils generated from this development. On this basis, a s106 obligation from this development towards enhancing and increasing the provision of Primary Education infrastructure and capacity in the area will therefore be required to ensure that the children generated by this development can be accommodated within a local school. **A Primary Education contribution of £60,448 will be required.**

Secondary Education - The proposed site would most likely be served by Chenderit School. This school is currently operating at 96%, above the DfE's recommended capacity threshold, with forecasts indicating an increase in demand for places. It is therefore expected that there will not be sufficient capacity to accommodate the likely number of secondary age pupils that the proposed development will generate, without additional provision being made available. A s106 planning obligation towards provision of additional Secondary Education capacity is therefore required in order to adequately mitigate the impact of the proposed development and to ensure that children residing in the properties can be accommodated in a local school. **A s106 contribution towards Secondary Education of £68,925 will be required.**

Officer Note: Secondary education provision is expected to be funded through CIL payments.

Libraries - In order to adequately serve the growing community, improvements to the library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. **A Libraries Contribution of £4,297 is therefore required**, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development.

7.5. NCC ARCHAEOLOGY: **No Objections.**

7.6. NCC SURFACE WATER DRAINAGE ASSESSMENT TEAM (LLFA): **No Objections**, subject to conditions.

7.7. THAMES WATER: **No Objections** in respect of foul water, sewage treatment works capacity and surface water. Water supply is the responsibility of Anglian Water.

Officer Note: the applicant has provided evidence of pre-application engagement with Anglian Water and provided confirmation that they have capacity to accommodate the development.

7.8. NHS NORTHAMPTONSHIRE CCG: **Comment:** there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the development experiencing difficulties accessing primary care health services. Therefore, the CCG are seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services. **A contribution of circa £11,693.31 is requested.**

Officer Note: This is based on 23 homes; no response has been received to the amended proposal for 20 homes. Using the CCG's calculations the contribution for 20 homes would amount to £10,168.

7.9. NORTHANTS POLICE CPDA: **Comments:** Disappointed that the flats have no defined perimeter treatment for privacy or residential space and that there is a

parking court rather than on plot parking for some of the plots. This could lead to opportunities for crime and additional boundary treatment will be needed.

Officer Note: In the event that planning permission was granted conditions could be imposed requiring appropriate details of boundary treatments.

- 7.10. SNC PLANNING POLICY: **Comments** that the Council's 2019 Housing Land Availability Study illustrates that it is delivering its requirement for housing in the rural areas as detailed under Policy S3 of the West Northamptonshire Joint Core Strategy (WNJCS) and that it has a 7.54-year Housing land supply. This robust figure ensures that the development plan is not absent, silent or out-of-date (NPPF - Paragraph 11) and as such these current proposals must have regard to and be considered against its policies.
- 7.11. The Development Plan comprises the adopted WNJCS and the 'saved' policies of the 1997 South Northamptonshire Local Plan (SNLP). In relation to the WNJCS, a review was recently undertaken in accordance with the Town and Country (Local Planning) (England) Regulations 2012 (as amended). This identified that the policies in the WNJCS remain up-to-date and consistent with the NPPF. It is on that basis that they should continue to be given full weight as part of the development plan for the purposes of decision making.
- 7.12. Local planning authorities may give weight to relevant policies in emerging plans. The relevant policies of the Part 2 Plan are considered compliant with the revised NPPF and whilst some representations have been made as part of the plans ongoing examination, and considered during the examination hearings in the summer, the nature of those representations and the discussion at the hearings was such that the Policy Team consider that greater weight can now be given to emerging policy in accordance with Paragraph 48 of the Framework.
- 7.13. The application site is located beyond the village confines as proposed through the Submission Draft of the South Northamptonshire Local Plan Part 2 (September 2018). As such, for the purposes of the Development Plan, the application site is located in open countryside. Both existing and emerging planning policy only supports development beyond town and village confines in a limited number of circumstances. None of these policies support the current proposals for market housing in the open countryside.
- 7.14. Paragraph 47 of the NPPF details how *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."* If these current proposals are to receive support as part of this planning application, it will need to be demonstrated that there are material considerations sufficient, in accordance with Paragraph 38(6), to overcome conflict with the Development Plan.

Officer Note: Since these comments were received the 2020 Housing Land Availability Study has been published and the Inspector's Report on the Part 2 Local Plan has been received and the Plan adopted. These matters are considered in the Officer's Assessment.

- 7.15. SNC BUILDING CONTROL: **No Objections.**
- 7.16. SNC STRATEGIC HOUSING: **Support** (subject to sight of a materials plan and/or plot schedule which confirms the materials specification for each plot is intending to provide a tenure blind scheme): The amended scheme is for 20 dwellings in total. 10 of these are to be provided as affordable housing and this accords with the West Northamptonshire Joint Core Strategy (Policy H2) and Policy LH8 of the Part 2 Local

Plan. The dwelling type and tenure mix is acceptable, and the applicant has agreed to the request for some much needed 4 bed houses. The internal layouts of each unit are acceptable. The 2 bed flats, 3 bed house and 4 bed houses fall just short of the Government's minimum size specifications.

- 7.17. SNC ARBORICULTURAL OFFICER: **No Objections**, subject to conditions.
- 7.18. SNC CONSERVATION: **Comments:** There are a number of listed buildings in close proximity to the site, but the development proposed is not considered to alter their setting or significance. The site lies to the northeast of Lower Middleton Cheney Conservation Area where proposals should seek to sustain and enhance the significance, which includes the setting, of the asset. The site is separated from the conservation area by Main Road and several detached dwellings fronting the road and some backland development. The road and modern development provide a degree of separation between the conservation area and proposed development which means there is no direct impact on setting.
- 7.19. SNC ECOLOGY: **Comments:** The Ecological Appraisal is appropriate and fit for purpose. It follows the appropriate industry guidelines and best practice. There are no statutory or non-statutory designated sites within the site boundary or the zone of influence. The habitats present on site are largely of low ecological value. A small number of mature ash trees within the eastern boundary were considered to be of low-moderate potential for roosting bats. The open sided barn was assessed as being extremely unlikely to support roosting bats. Bats are likely to be utilising the site and surrounding countryside for foraging and the hedgerows for commuting and suitable mitigation measures for bats are detailed within the report. The site was assessed as having value for a range of common bird species and suitable mitigation measures for nesting birds are detailed within the report. The report shows that there was no evidence of badgers however given their transitory nature a pre commencement survey for badgers should be a condition of any permission. The site contains poor terrestrial habitat for Great Crested Newts and the possibility of GCN being impacted can be assessed as being unlikely. There is a negligible potential for reptiles.
- 7.20. Based on the findings of the report it is unlikely that the development will have a significant impact on protected species or habitats if the mitigation and enhancements identified in the Preliminary Ecological Appraisal are followed fully and successfully.
- 7.21. The proposals identify that within the proposed landscape strategy there will be the provision of permanent wildlife pond, native tree, hedgerow and shrub planting and the creation of wildflower meadows. This will ensure a net gain in biodiversity is achieved in line with NPPF. The species used should be of native local provenance and of a mix which is reflective of those found in similar habitats locally. A Landscape and Ecological Management Plan should be produced to guide the future management of these habitats to ensure the net gain is achieved and maintained in the future.
- 7.22. SNC ENVIRONMENTAL PROTECTION: Noise – **No objections** subject to conditions. Contaminated Land – **No objections** subject to conditions.

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

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 Development Plan now comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, and the recently adopted South Northamptonshire Local Plan (Part 2). 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 – The Distribution of Development
- S3 - Scale and Distribution of Housing Development
- S10 - Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- C2 – New Developments
- RC2 – Community Needs
- H1 - Housing Density and Mix and Type of Dwellings
- H2 - Affordable Housing
- H4 – Sustainable Housing
- BN2 – Biodiversity
- BN7 – Flood Risk
- BN7A - Water Supply, Quality and Wastewater Infrastructure
- INF1 - Approach to Infrastructure Delivery
- INF2 - Contributions to Infrastructure Requirements
- R1 - Spatial Strategy for the Rural Areas

SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

- SS1 – The settlement hierarchy
- SS2 – General development and design principles
- LH1 – Development within town and village confines
- LH8 – Affordable housing
- LH10 – Housing mix and type
- SDP3 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- NE2 – Special Landscape Areas
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species

8.3. Upon its adoption, the Part 2 LP replaced the saved policies of the South Northamptonshire Local Plan (1997).

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- South Northamptonshire Council Supplementary Planning Guidance and Documents
- SNC Design Guide
- Five Year Housing Land Supply Report 2019
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006

- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- South Northamptonshire: A Review of Special Landscape Areas 2017
- Lower Middleton Cheney Conservation Area Appraisal and Management Plan
- Middleton Cheney Village Design Guide

8.5. Council Corporate Priorities

South Northamptonshire Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future considering the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District 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 Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) delivery innovative and effective housing schemes; and (9) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals on a case by case basis.

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
- Layout and Design
- Landscape and visual impact and impact on the character of the village and its setting
- Highways impact
- Heritage impact
- Flood Risk and Drainage
- Residential amenity
- Ecology/Biodiversity impact
- Trees and Hedges
- Pollution Control – noise, air quality, contaminated land
- Local Infrastructure and S106 obligations
- Other planning matters

Principle of Development

Policy Context

- 9.2. The adopted Development Plan for South Northamptonshire comprises the West Northamptonshire Joint Core Strategy (JCS 2014) and South Northamptonshire Local Plan Part 2 (Part 2 LP).
- 9.3. The JCS 2014 – this Plan was adopted in December 2014. Spatial Objectives 1, 3, 11 and 12 are amongst those that provide direction to the policies of the JCS. These seek (inter alia) to provide a range of housing in sustainable locations; to reduce the need to travel and promote sustainable travel modes; to ensure all residents have access to a home that they can afford and that meets their needs; and state that housing development will be focused at the most sustainable location of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. Limited development will take place in the rural areas to provide for local needs and to support local services. Alongside this is the objective to protect and support rural communities to ensure they thrive and remain vital.
- 9.4. The JCS policies most important for determining the principle of development are policies SA, S1, S3, S10 and R1.
- 9.5. Part 2 Local Plan – Adopted on 22nd July 2020. The most important policies in this case are SS1, LH1 and NE2.
- 9.6. Housing Land Supply – The Council’s April 2020 Housing Land Availability Study sets out that South Northamptonshire has 8.26 years supply of housing land when taking previous years’ oversupply into account and excluding the Northampton Related Development Area (NRDA). The Council is delivering its requirement for housing in the rural areas as detailed under Policy S3 of the JCS.

Assessment

- 9.7. Policy S1 of the JCS 2014 distributes development and gives priority to making best use of previously developed land in urban and other sustainable locations. The policy under (d) limits new development in rural areas in order to maintain their distinctive character, facilitating access to jobs and services, strengthening rural enterprise and respecting the quality of tranquillity. Policy S3 of the JCS sets out the scale of housing development to be provided over the plan period (2011-2029) including the amount to be delivered across the South Northants rural areas¹, and Policy R1 sets out how the Part 2 Local Plans should distribute the identified need which will be guided by a settlement hierarchy.²
- 9.8. In all cases development in the rural areas will be required to provide an appropriate mix, including affordable housing; to not affect open land of particular significance to the form and character of the village; to preserve areas of historic and environmental importance; to protect residents’ amenities; to be of an appropriate scale; to promote sustainable development and to be within existing confines unless there are particular or exceptional circumstances³. Importantly, R1 goes on to say that once the requirement for the rural areas has been met development will only be permitted where specific criteria apply (none of which are applicable in this case).
- 9.9. The JCS is now just over 5 years old. Accordingly, a review of the JCS policies was recently undertaken in accordance with the Town and Country (Local Planning) (England) Regulations 2012 (as amended). This review identified that many of the policies in the JCS remain up to date and consistent with the NPPF. It is on that basis that they should continue to be given full weight as part of the development plan for

¹ About 2,360

² Middleton Cheney is a Primary Service Village in the Part 2 Local Plan hierarchy.

³ None of the stated exceptional circumstances have been demonstrated in this case.

the purposes of decision making. This includes policies S1 and R1 and, importantly, Policy S3 which should continue to be used for the purposes of 5-year housing land supply calculations until such time as the West Northants Strategic Plan is produced.

- 9.10. The Part 2 Local Plan identifies Middleton Cheney as a Primary Service Village which is a second category settlement after the Rural Service Centres of Brackley and Towcester. These settlements have the highest level of services and facilities outside the market towns. Settlement confines for Middleton Cheney are defined on the Plan's Proposals Map. Policy SS1 supports development within such confines. The application site lies beyond these defined confines. Policy LH1 makes it clear that development beyond village confines will not be acceptable unless it meets one of a number of exceptions; none of which are applicable in this case. The development in principle terms therefore conflicts with the Part 2 Local Plan.
- 9.11. In principle terms therefore given that the Council is delivering its requirement for housing in the rural areas as detailed under Policy S3 of the JCS 2014 and given the site's position beyond the established built up limits and in open countryside, development of this site would be contrary to the Development Plan.
- 9.12. Given that the Council can demonstrate a 5-year supply of housing land, the policies which are most important for determining any application on this site are not out-of-date and Paragraph 11d of the NPPF is not engaged. As such these current proposals must have regard to, and be considered against, the relevant development plan policies.
- 9.13. The applicant calls into question the robustness of the Council's 5-year supply of deliverable housing sites, making specific reference to the deduction of over-supply and the findings of the 'Rothersthorpe' appeal Inspector, the Council's housing land supply trajectory and the implications of the COVID-19 pandemic, noting that if over supply is removed the supply is marginal (5.18 years). They consider the land supply to be in the region of 4.5 – 4.7 years.
- 9.14. The Council's Housing Land Availability Study for 2020 sets out that South Northamptonshire has a robust 8.26 years supply of housing land when taking previous years' oversupply into account. Whilst it is acknowledged that the Inspector in the 'Rothersthorpe' case discounted using oversupply from previous years in the calculations, there is no definitive legal basis for this and nothing in policy or planning guidance which supports this approach.
- 9.15. However, having regard to the Inspector's comments, even if the oversupply is removed from the Council's calculations it can be demonstrated that there is a 5.18 years supply of land for housing using the housing need figure set out in the adopted JCS (Policy S3). The implications of the pandemic on future delivery are of course a currently changing unknown and will need to be closely monitored.

Conclusions

- 9.16. The application site is located beyond the established built up limits of the village and outside of the settlement confines of Middleton Cheney as designated in the Part 2 Local Plan.
- 9.17. As such, and for the purposes of the Development Plan, the application site is located in the open countryside. The Development Plan only supports development beyond town and village confines in the open countryside in a limited number of circumstances which do not apply in this case. With regards to the existing development plan these are Policies SS1 and LH1 of the Part 2 LP and Policy R1 of

the JCS. Policy R1 also resists development where the JCS housing requirement for the rural areas is being met.

- 9.18. The policies which are most important for determining any application on this site are not out-of-date and Paragraph 11d of the NPPF is not engaged. In this case the principle of development conflicts with an up to date development plan.
- 9.19. The NPPF states that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In this case therefore there must be material planning considerations sufficient to outweigh this conflict if the application is to be granted planning permission.
- 9.20. The following are considered to be relevant material planning considerations to weigh in the planning balance;

National Planning Policy in the NPPF and housing delivery

- The Government's objective to significantly boost the supply of homes⁴.
- The requirement in the NPPF to identify specific and deliverable sites to provide for a minimum of 5 years' worth of housing against their strategic requirement⁵. The 5-year figure is a baseline and not a ceiling.
- The application demonstrates that the site has no technical constraints.
- The application is made in full, avoiding the need for reserved matters submissions. It is therefore anticipated that development could take place quickly and within 5 years.

These considerations attract significant weight.

Delivery of Affordable Housing

- The development will provide 50% affordable housing (10 homes) and will therefore make positive steps towards meeting an identified affordable housing need. The affordable housing mix has been agreed with the Strategic Housing Team who lend their support to the scheme. The inclusion of 4 bed affordable homes is especially welcomed.

This is a consideration to be afforded significant weight.

Settlement Hierarchy and sustainability of location

- The site adjoins the established built up limits and settlement confines of one of the district's five Primary Service Villages as categorised in the settlement hierarchy of the Part 2 Local Plan. Beyond the two market towns these are the villages which have the highest levels of services and facilities. Middleton Cheney is one of the largest villages in the District, situated just 3 miles from Banbury and 7 miles from Brackley. A variety of shops, community facilities and services, as well as a primary and secondary school, serve the local community.
- The village is well served by regular public transport infrastructure to higher order settlements including Banbury and Brackley; providing options for both commuter and leisure trips. Banbury town centre and railway station can be reached within a circa 15 min cycle ride and a circa 18-minute bus journey. Bus stops serving the 500 bus service are located in close proximity to the application site.

⁴ Para 59

⁵ Para 73

This is a consideration of significant weight.

Scale of Development

- Development of 20 homes is considered to be an appropriate scale relative to settlement's status in the settlement hierarchy, without significantly prejudicing the Council's spatial strategy.

This is a consideration of significant weight.

Infrastructure

- A new area of publicly accessible open space, with play area, will be provided where public access is not currently available and which is in excess of policy requirements.

This is a consideration of moderate weight.

Other material planning considerations

- Biodiversity net gains will be delivered.
- The new homes (during both construction and occupation) will provide economic benefits.
- The site adjoins the settlement edge to the west.

These considerations carry moderate weight.

- 9.21. Weighing up all the above material planning considerations alongside the significant weight that should be applied to the provisions of the development plan and the council's statutory duty in this regard, it is considered that in this case there are not sufficient material planning considerations that would outweigh the acknowledged conflict with the development plan in this case. This is discussed at the end of this report where the visual and landscape impact of the development is also weighed in the planning balance.

Affordable Housing

Policy Context

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

Assessment

- 9.24. The applicant proposes 50% of the proposed dwellings to be delivered on site as affordable housing in accordance with the development plan, amounting to 10 units.
- 9.25. Since 2011 the Council has delivered fewer affordable homes throughout the district than the SHMA and JCS 2014 require. Overall, this amounts to 621 fewer homes. It is however important to view the shortfall in context and acknowledge that the difference between target delivery and actual delivery may not necessarily reflect the current need for affordable housing. This figure covers all affordable tenures; 435 of these 621 would be socially rented (70%) yet as of 4th June 2020 there are only 219 households on the Housing Register.

- 9.26. In Middleton Cheney, 53 affordable homes have been provided since 2012 showing that significant progress has been made to improve the tenure profile in the parish. There is however no up to date parish level housing needs survey which can be relied upon to identify current need.
- 9.27. The Council's Housing Register gives an indication and at present there are 24 households on the Council's Housing Register who would be willing to be housed in Middleton Cheney; 8 of which have a local connection to the Parish. The Register only includes those households who are eligible for rented housing. It does not include those interested in shared ownership. In accordance with Policy LH8 of the Part 2 Local Plan 70% of the affordable homes proposed would be for rent, whilst 30% would be for shared ownership. This would result in 7 of the 10 units being for rent and 3 for shared ownership. The development would therefore meet this current demand as shown by the Housing Register. The register held by the Homebuy agent (Help to Buy Midlands and London) also shows strong demand for shared ownership housing in the district.
- 9.28. The applicant has responded to the Council's Strategic Housing Team's requests in respect of the dwelling type and tenure mix and the application includes 2x 4 bed homes for rent; an affordable housing type that is much needed in the District.

Conclusions

- 9.29. Having regard to the above, the proposed development will make positive steps towards meeting both a district-wide need and a locally identified affordable housing need/demand and the proposals comply with the relevant development plan policies in this respect. On this basis the council's Strategic Housing Team support the application. This carries significant weight in favour of the proposals.

Layout and Design

Policy Context

- 9.30. The NPPF recognises the importance of delivering well-designed, attractive and healthy places. The creation of high-quality buildings and places is considered fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
- 9.31. Achieving high quality design is also a key strategic objective of the council's with appropriate policy safeguards set out in both the JCS 2014 and Part 2 LP.
- 9.32. Policy H1 of the JC 2014 seeks to deliver an appropriate mix of house types, sizes and tenures and for development to have regard to the site's location and setting; existing character and densities and living conditions.
- 9.33. Policy SS2 of the Part 2 LP sets out general development and design principles and seeks to protect the identity of its towns and villages; to ensure that development integrates with its surroundings and distinctive local character; provides a safe, accessible and inclusive environment; includes integral landscaping and sensitive lighting; provides a good standard of amenity, safe and suitable access and contributes to a healthy community.
- 9.34. The Council adopted a Design Guide in 2017 which is a material planning consideration for all development throughout the district. This document establishes a benchmark for high quality design standards for new development; improves understanding of the specific character and context of South Northamptonshire and

brings greater certainty to the design element of the planning process to help speed up delivery and maintain a high quality of development within the District.

Assessment

- 9.35. The applicant has worked collaboratively with officers to produce a development which accords with the Council's adopted Design Guide; amending the proposals on at least two occasions in response to issues raised.
- 9.36. The development is a low-density scheme which responds to the edge of village context. Established boundaries are retained and reinforced, mature trees are retained within public open space which is provided on the site perimeters with the open countryside. To the south of the site is a large area of open space which acts as an attractive buffer on this side of the site. This will include a play area, informal open space, a pond and ecological enhancements. The amount of open space exceeds the policy requirement. Overall the amount of open space extends to 0.33ha against a policy requirement in the Part 2 Local Plan of 0.07ha.
- 9.37. Properties front a single access road and are outward facing to Thenford Road and the adjoining countryside. Each individual property has a reasonably sized outside garden and parking provision accords with the Council's standards. The internal access road retains an informality in its layout and route.
- 9.38. The homes are designed in the rural 'vernacular' with narrow gable spans, steeply pitched roofs and detailing which reflects the Design Guide. All homes have chimneys, window proportions and architectural detailing have been carefully considered and also comply with the Design Guide. Overall the scheme, in design and layout terms, is welcomed. Details concerning boundary treatments and external finishes could be covered by conditions were permission to be granted.

Conclusions

- 9.39. The resultant layout and design of the proposed homes is considered to be acceptable and to accord with both national and local policies set out above.

Landscape and visual impact and impact on the character of the village and its setting

Policy Context

- 9.40. JCS Policy R1, inter alia, requires development to not affect open land which is of particular significance to the form and character of the village; to preserve and enhance areas of historic or environmental importance including those identified in Village Design Statements and to be of an appropriate scale to the settlement. Policy S1(D) requires development in the rural areas to be limited, with the emphasis on (amongst other criteria) respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities.
- 9.41. Policy SS2 of the Part 2 Local Plan, inter alia, requires new development to maintain the individual identity of villages and to not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement and to integrate with its surroundings and the character of the area.
- 9.42. The application site lies within land designated a Special Landscape Area (SLA). These areas are those parts of the district which are of particularly high landscape value. The application site lies within the Aynho, Cherwell Valley and Eydon SLA. A review of the SLAs was undertaken in 2017. The Part 2 LP recognises that the

character of an SLA is fragile and can be affected by a variety of factors, of which new development is just one. Any development proposal within or affecting an SLA will be expected to be sympathetic in terms of its siting, form, scale, materials and design and to contribute positively to the conservation, restoration or enhancement of the area's character and appearance. Any application will need to demonstrate that particular regard has been given to design and that the level of development has been carefully considered to minimise adverse impacts, whilst also ensuring that other policy considerations, such as making the best use of land, have been balanced when designing the proposal.

- 9.43. Policy NE2 is clear that development within the SLAs on unallocated sites and sites outside settlement confines should avoid harmful impacts to the character and appearance of the area; that proposals should be informed by the qualities of the SLA set out in the above-mentioned review and contribute, where appropriate, to the conservation, restoration or enhancement of the area's character and appearance. An LVIA should inform the design of the proposals to minimise negative landscape impacts.

Assessment

- 9.44. The application is accompanied by an LVIA. This finds that the development would have a Moderate Adverse effect on the site itself, a Minor Adverse effect on the site's localised landscape setting and a Neutral effect on the wider landscape. In terms of the visual impact, it finds that the significance of effect will vary between Major/Moderate Adverse and None; depending on the viewpoint. The most significant change will be experienced by residents who bound the site, users of Thenford Road, and users of footpath AU14 to the south of the site where, in places, effects will be Major Adverse (at year 0), reducing over time to Major-Major/Moderate Adverse. Views from other PROW (including AU13, AU34, BA15 and AU36) are variously considered to be between Moderate and Minor Adverse.
- 9.45. In support of their proposals the applicants draw attention to the 'new' rural edge that the development will provide, focussing on the beneficial effect that an outward facing development, proposed landscape strategy and landscaped and open buffers will provide. The applicant opines that this will provide a more visually appealing and sensitive settlement edge than that which currently exists. The applicant also points out that much of the site close to Thenford Road is on lower ground than existing development which, together with the design proposed on this edge (including 1.5 storey properties), will mitigate the development's impact. Furthermore, it is suggested that there are very few special qualities associated with the SLA that are present within the site or even notable features. Those that are present are limited to the site's eastern, southern and in part north-western boundaries. It is considered that the site reflects the character of its immediate setting and not that of the wider, more rural, SLA that would be of higher sensitivity.
- 9.46. The applicant notes that within the review of the SLA in 2017 the area directly north of the site, beyond Thenford Road, was considered to be included within the SLA. However, it did not achieve the criteria thresholds and therefore has not been included. It is argued that the landscape within the application site more closely reflects this landscape, consisting of small-scale fields bound by mature vegetation located adjacent to the existing urban edge.
- 9.47. Given the site's location within the SLA, its relatively exposed position right on the edge of the village, and the surrounding network of public rights of way (PROW) from where the site is visible, advice was sought from an external landscape consultant about the robustness of the applicant's LVIA and its findings.

- 9.48. The consultant suggests that the applicant downplays the rural characteristics and positive landscape qualities of the site such as gently undulating landform, small scale field pattern, established hedgerows, mature hedgerow trees, pastoral landscape, evidence of ridge and furrow and the farmed landscape. Where the LVIA suggests a low/medium value of the site, he suggests a higher value; particularly towards the east and south of the site where the rural influence increases and the urban influence decreases. Whilst the applicant highlights lower site ground levels close to Thenford Road, the wider site topography and aspect is important. The aspect of the site is east and south facing; it is slightly elevated in relation to the rural landscape to the east and south making it more prominent from these aspects. This raises the potential landscape and visual impact on the rural landscape to the east and south.
- 9.49. The consultant considers there will be an inevitably high magnitude of change on the site which will amount to an adverse landscape effect that is more harmful than the Moderate Adverse conclusion in the LVIA, i.e. Major Adverse. He finds the magnitude of change in the immediate context of the site to be significant and concludes that there will be Moderate Adverse landscape effects in the localised setting, especially to the immediate north (new access on Thenford Rd), south and east of the site, where the landscape quality and sensitivity become higher. Further afield the magnitude of change reduces and the resulting landscape effects will reduce to negligible and neutral.
- 9.50. In respect of visual effects he finds Moderate Adverse residual effects in the localised context which result largely from the high sensitivity of visual receptors, including walkers on public rights of way, the openness of views (particularly in winter) and the relatively high magnitude of change. He finds Minor Adverse visual effects in relation to views from the Conservation Area.
- 9.51. Overall, he concludes that whilst the amended scheme does result in some of the harmful landscape and visual effects being reduced, and whilst there will be a potential softening of the existing abrupt urban edge, in his view there would remain a number of Moderate Adverse effects in the localised context of the site. He would consider Moderate effects to be significant in planning terms. He notes that the site lies within the designated SLA and that whilst the LVIA is correct to note the influence of the existing built form over the site and that it detracts from the special quality of the designated landscape, in his opinion the landscape value of the site and its sensitivity to change is higher than the LVIA argues. The proposed scheme would serve to push the influence of built form further east and south into the designated rural landscape where sensitivity increases. He further comments that the proposed planting scheme has some notable shortcomings in that the proposals do not reflect locally occurring species.
- 9.52. In addition, the proposed scheme is likely to be more widely visible within the local context than is maintained by the LVIA. Walkers on the public rights of way to the south and east of the application site would experience Moderate Adverse harmful effects (loss of visual amenity).
- 9.53. It is of note that in his report on the Local Plan Part 2, the Inspector concluded that in terms of the SLAs *“the Local Plan is based on a proportionate evidence base, and that the landscapes that it sets out to protect are valued for the purposes of the Framework”*. Para 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) *“protecting and enhancing valued landscapes....in a manner commensurate with their statutory status or identified quality in the development plan”*.

Conclusions

- 9.54. It is inevitable that there will be adverse visual and landscape effects within the site itself and its immediate context, in common with all development where a greenfield site changes to a residential development. However, in this case the applicant's own LVIA finds that there will be a Minor Adverse effect on the site's localised setting, as well as a Major/Major-Moderate/Moderate/Minor Adverse effects on a number of receptors from a number of different viewpoints; including residents as well as users of the extensive PROW network, with views from 5 PROW experiencing varying degrees of effect.
- 9.55. In turn the council's consultant finds that there will be Moderate Adverse landscape and visual effects in the localised setting which are significant in planning terms. These effects are a matter which carries significant weight against the proposals.
- 9.56. Policy NE2 of the Part 2 LP is clear that development within the SLAs on unallocated sites and sites outside settlement confines should avoid harmful impacts to the character and appearance of the area. The resulting Moderate Adverse effects that would result mean that the proposed development would conflict with this policy, as well as national policy which seeks to protect and enhance valued landscapes.
- 9.57. Coupled with the site being located within a SLA which are areas of greater landscape value around the village which are more fragile and more sensitive to change; the location of the site outside the defined, and adopted, settlement confines and within open countryside; the policy context set out above and the council's evidenced housing delivery, there is no over-riding need to deliver 20 homes on this site where the landscape and visual impacts are acknowledged to be adverse (in varying degrees) and in contravention of the development plan.

Highways impact

Policy Context

- 9.58. Policy C2 of the JCS 2014 requires development to mitigate its impacts on highway safety. Policy SS2 of the Part 2 Local Plan requires development to include a safe and suitable means of access for all people including pedestrians, cyclists and those using vehicles.
- 9.59. The NPPF also requires provision of a safe and suitable access for all users. Para 109 however makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.60. The site will be served by a single point of access onto Thenford Road towards the site's north eastern corner. The access will be a simple priority junction with a carriageway 4.8m wide bound by 2 x 1.5m wide footways.
- 9.61. The application is supported by a Transport Statement (TS) which includes speed survey results from June 2019. These surveys show that the 85% percentile speeds are between 30.2 and 43.5mph eastbound (out of the village) and between 26.8 and 40.3mph westbound (into the village). Appropriate visibility splays to reflect these speeds can be provided. Trip rates have been assessed using TRICS. The proposed development is predicted to generate circa 20 vehicle trips in the morning peak and 18 trips in the evening peak. The TS concludes that this number of vehicles will not result in a significant adverse impact which will result in detrimental harm to the highway network.

- 9.62. A new footway is proposed between the site access and the existing footway to the site's west (circa 30m away).
- 9.63. The Highway Authority have made some comments about the internal site layout which would involve minor changes but have not raised any objections to the principle of accessing the site from Thenford Road in the manner proposed by the applicants. These layout changes have been made and the updated comments of the Highway Authority are awaited at the time of writing this report.

Conclusions

- 9.64. In light of the comments from the Highway Authority and having regard to the objections made by residents and the Parish Council, there is no evidence to demonstrate that a safe and suitable access cannot be achieved, and that the development would result in significant or severe impacts on the highway network or an unacceptable impact on highway safety. Therefore, the proposal complies with the above-mentioned policies and national planning policy in the NPPF (paras 108-109).

Heritage impact

Legislative and policy context

- 9.65. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.66. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall 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.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.67. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.

Assessment

- 9.68. The application is accompanied by a Heritage Statement and an Archaeological report detailing the findings of a geophysical survey and trial trenching.
- 9.69. The site does not contain any designated heritage assets. The closest Listed Buildings are Grade II listed 19th century buildings lying along Main Road to the west. These are all located within the Lower Middleton Cheney Conservation which itself lies to the south west of the application site, beyond existing neighbouring properties along Thenford Road and Main Road.
- 9.70. Importantly, the Heritage Statement finds that the separation of the application site from the conservation area and listed buildings by this existing housing means that the development will not result in any harm to the significance and experience of nearby heritage assets and their settings.

- 9.71. The Council's Conservation Officer has reviewed the application and supporting documents and is satisfied with the methodology used in the Heritage Statement to assess significance and understanding of the impact of the proposed development. The Officer comments that the development is not considered to alter the setting or significance of any listed buildings, nor is it considered to harm the setting of the conservation area because the road and modern development provide a degree of separation between the site and the conservation area.
- 9.72. The Conservation Officer therefore concurs with the view expressed in the submitted Statement that modern development has severed the conservation area from its rural hinterland and as such development in this location is not considered to result in harm its setting.
- 9.73. In respect of archaeological assets, in March 2020 an archaeological evaluation was undertaken. This comprised the excavation and recording of 7 trenches across the site. A report detailing the findings has been submitted. The trenching showed the presence of post-medieval quarrying, farm buildings and modern disturbance, along with traces of ridge and furrow, and a single ditch which could not be dated.
- 9.74. The County's Archaeological Advisor has reviewed the findings and confirmed that there are no objections to the development in respect of archaeology and no further work is needed.

Conclusion

- 9.75. It is therefore concluded that, and having due regard to the Council's statutory duties, no harm will be caused any designated heritage assets or their settings as a result of this development; nor would harm be caused to any non-designated heritage assets. The development would therefore not conflict with national or local planning policies concerning the historic environment

Flood Risk and Drainage

Policy Context

- 9.76. JCS policy BH7 requires appropriate flood risk assessment to be completed and for development not to result in an increased risk of flooding to existing or proposed properties. Policy SS2 of the Part 2 Local Plan also requires development to be adequately serviced with infrastructure and to consider flood risk.

Assessment

- 9.77. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy.
- 9.78. Flooding - The site lies within Flood Zone 1 within which all types of development are suitable in policy terms. The site is also within an area identified as being at very low risk of flooding from surface water. No records of ground water or sewer flooding are available and the Environment Agency's Historic Flood Map does not show any flooding within the boundary of the site.
- 9.79. Surface Water - Based on ground conditions infiltration techniques are unlikely to be viable across the whole site. Where infiltration is suitable permeable paving will be used. Where it is not, surface water will be drained instead to a ditch on the Thenford Road boundary. Surface water discharge from the development will be restricted to greenfield rates. The strategy will therefore include a piped network with flow control;

an attenuation pond to the south of the site; a detention basin to the north of the site and permeable paving to private drives.

- 9.80. NCC as LLFA have been consulted and raise no objections to the proposals subject to conditions.
- 9.81. Foul Water – This will discharge to the public sewer in Thenford Road, but two pumping stations will be required.
- 9.82. Thames Water have been consulted and raise no objection in respect of waste water network and sewage treatment capacity.

Conclusions

- 9.83. Having regard to the submitted information and the responses from technical consultees there is no evidence to suggest that this development would be at risk from flooding or increase flood risk elsewhere. Nor is there any evidence to suggest that the site cannot be adequately drained (including by SuDS). There is therefore no conflict with the policies mentioned above or the policies of the NPPF.

Residential amenity

Policy Context

- 9.84. Policy SS2 of the Local Plan Part 2 requires development to result in a good standard of amenity for its future occupiers in terms of privacy, sunlight, daylight, outlook, natural ventilation, noise, odour and vibration; and to not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight, daylight or outlook. The Council's Design Guide provides guidance on residential amenity.

Assessment

- 9.85. A number of existing homes will be affected by the development, notably those along Thenford Road both opposite the site entrance and those that abut the site. There are also properties along Main Road which abut the site.
- 9.86. Neighbouring properties that abut the site are between circa 20m and 25m 'back to back' distances from the proposed dwellings. These distances exceed the minimum standards in the Design Guide of 18m. It is inevitable that the rear of dwellings whose outlook is currently onto the site will suffer a loss of a view. However, a view is not protected under planning legislation and if the minimum distances that are established to protect privacy, outlook and loss of light for adjoining residents can be achieved (and exceeded) then this would not be a reason to refuse planning permission that could be substantiated.
- 9.87. Construction would inevitably give rise to some disturbance and at times, inconvenience. However, this could be properly mitigated and controlled through appropriate conditions and safeguards and would not be a reason to refuse permission.
- 9.88. Conditions could be attached to any permission to address boundary treatments.

Conclusions

- 9.89. With appropriate safeguarding conditions, the site could be developed such that no conflict with the above-mentioned policies arises and any impacts can be minimised as far as possible.

Ecology/Biodiversity impact

Legislative context

- 9.90. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.91. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - b. That there is no satisfactory alternative.
 - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.92. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.93. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.94. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.95. Policy NE3 of the Part 2 LP relates to green infrastructure corridors and requires that proposals contribute to the delivery of green infrastructure that meets the needs of communities both within and beyond the boundaries of the district, including the establishment of new infrastructure and improvements to the quality, use and provision of existing infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and Policy NE5 requires that proposals conserve and enhance biodiversity and geodiversity in order to provide measurable net gains.
- 9.96. Policy BN2 of the JCS states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted. Policy BN3 specifically relates to the enhancement and creation of woodland.

Assessment

- 9.97. Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains, or is near to, ecological features including pasture land, hedgerows, woodland, trees, an existing dilapidated building and a dry pond off-site. The site therefore has the potential to be suitable habitat for bats, breeding birds, badgers and other mammals, reptiles, great crested newts, and invertebrates.
- 9.98. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 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 the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.99. 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.
- 9.100. The application is supported by a Preliminary Ecological Appraisal which finds that the site generally consists of species poor agriculturally improved grassland. It finds no evidence of badger activity, and as there is no standing water there are no potential breeding opportunities for GCN (the pond in the field to the south is dry). It also finds negligible potential for reptiles but potential for nesting birds. Whilst the existing building is unlikely to support bats, some mature trees could offer bat roosting potential and should be retained. Field boundary vegetation also has potential benefits for bats. Overall, on the basis of the survey work undertaken, and subject to appropriate measures and safeguards, the proposed development is

considered unlikely to result in any significant harm to any protected, rare or notable species.

- 9.101. The closest identified statutory ecological designation to the site is Farthinghoe Local Nature Reserve, which is located approximately 1.6km south east of the site at its closest point.
- 9.102. Mitigation and enhancement measures are proposed which include: retention and protection of existing trees and boundary hedgerows; sensitive design of any lighting scheme to ensure boundary corridors remain dark for use by nocturnal species such as bats; measures such as ground-level cut-outs within boundary/garden fences to increase permeability for species such as Hedgehog; precautionary approach to vegetation clearance in relation to nesting birds; new native planting, including hedgerows, trees, scrub and wildflower grassland and incorporation of new bat roosting and bird nesting opportunities. These can be secured by conditions where not identified on the submitted plans.
- 9.103. The Council's Ecologist is satisfied that the submitted report is appropriate, fit for purpose and follows industry guidelines and best practice. He agrees that based on the findings of the report it is unlikely that the development will have a significant impact on protected species or habitats if the mitigation and enhancements identified in the Preliminary Ecological Appraisal are followed fully and successfully. He recommends appropriate conditions in the event that permission is granted.
- 9.104. The application also includes evidence of net biodiversity gains and conditions can be attached to ensure the net gain is achieved and maintained in the future.

Conclusion

- 9.105. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, 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 and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Trees and Hedges

Policy Context

- 9.106. Policy NE4 of the Part 2 LP seeks to integrate existing trees, woodland and hedges into development where appropriate and seeks to resist the loss of ancient woodland, important, aged, veteran or protected trees. Where loss is unavoidable replacement planting will be required using native species where possible.

Assessment

- 9.107. The application is accompanied by an Arboricultural Impact Assessment (AIA). There are no trees protected by a TPO within or immediately adjacent the application site, nor are there any ancient or veteran trees, or areas of designated ancient woodland.
- 9.108. Existing trees are predominantly positioned along the site's boundaries which comprise typical native field boundary hedgerows which contain the occasional Ash standard of varying maturity and quality. The Thenford Road frontage for example contains a single mature Ash standard which appears to be in good health, and

which is considered to represent a moderate quality example of the species. The eastern and southern boundaries contain a number of low-quality Ash standards – some displaying poor health and decline. There is a single high-quality English Oak adjacent to the site's eastern boundary.

- 9.109. It will be necessary to remove two sections of hedgerow from the site's Thenford Road frontage to accommodate the proposed access and a drainage link within the north-easternmost corner of the site. All other tree cover can be retained.
- 9.110. The layout promotes trees of value as focal design features and integrates them within areas of public open space. Although there is some incursion into RPAs which would need to be properly managed during construction.
- 9.111. Overall, the report considers the arboricultural impact of the proposed development to be minor. No high or moderate quality trees will be lost, and new tree and hedgerow planting is proposed throughout the development. Retained trees will be safeguarded throughout development.
- 9.112. The Council's Arboricultural Officer raises no objections. He comments that the submitted AIA is considered to be a true reflection of the quality and value of the trees existing on and adjacent to the site and that no significant trees should be affected by the proposed development.

Conclusion

- 9.113. Given the conclusions of the AIA, the comments of the Arboricultural Officer and the landscape strategy it is considered that, with appropriate conditions and safeguards in place, the development will not result in an unacceptable loss of trees and the development will not conflict with local planning policies concerning the protection and replacement of trees.

Officer Note: Notwithstanding the impact that any tree/hedgerow removal/planting or proposed landscaping scheme may have on the wider assessment of landscape/visual effects. Concerns about planting species could be addressed by conditions.

Pollution Control – noise, air quality, contaminated land

Policy Context

- 9.114. National planning policy in the NPPF recognises that focussing growth in sustainable locations can help reduce emissions and improve air quality and public health. Para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Para 180 states that planning policies and decision should take into account the effect of pollution on health and mitigate, and reduce to a minimum, potential adverse impacts arising from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 9.115. Policy SS2 of the Part 2 LP seeks to avoid harmful effects from noise and other sources of pollution and to have appropriate regard to the effect of development on air quality. WNJCS policies S10 and BN9 also seek to minimise pollution from noise and air.

Assessment

- 9.116. This area is exposed to noise from road traffic using the A422, M40 and B4525 and so consideration needs to be given to the site's exposure to noise from these sources to identify if any sound insulation may be required to provide a suitable level of amenity.
- 9.117. The Council's Environmental Protection Officer is satisfied that this can be addressed by attaching relevant conditions and therefore raises no objections to the application on noise grounds as long conditions are attached to secure noise assessment and incorporation of any identified measures needed to protect the proposed dwellings from any noise source.
- 9.118. The application is accompanied by a Phase 1 contaminated land risk assessment which advises that that several plausible pollutant linkages exist in relation to the proposed development of the site but the preliminary risk rating for these is not considered to prevent development. This is subject to further intrusive investigations and associated testing being undertaken to confirm the findings of the desk study report and to identify any remediation measures if found necessary as based on the scope of works recommended in that report. The Council's Environmental Protection Officers have reviewed the report and have no objections subject to appropriate safeguarding conditions being imposed. No comments have been received in respect of air quality but measures to help improve air quality could be conditioned as appropriate were permission to be granted.

Conclusions

- 9.119. In light of the information provided and the comments from the Council's Environmental Protection Officers it is concluded that the development will not give rise to unacceptable impacts in respect of noise, air quality and contaminated land and that there is no conflict with national or local planning policy in this regard. Where necessary, conditions can be attached to any planning permission to secure delivery of safeguarding measures.

Local Infrastructure and S106 obligations

Policy Context

- 9.120. JCS 2014 policies INF1 and INF2 and Policy INF1 of the Part 2 Local Plan both require new development to be supported by appropriate infrastructure.

Assessment

- 9.121. In this case the following infrastructure would need to be improved and/or enhanced as a result of this development by way of the completion of a S106 Planning Agreement and/or attachment of planning conditions were planning permission to be granted;

- Early Years Services - there is a lack of capacity in the Middleton Cheney area serving the proposed development. A S106 contribution of **£71,248** will be required towards provision of additional Early Years capacity.
- Primary Education provision – this development would be served by Middleton Cheney Primary Academy. It is expected that there will not be sufficient capacity to be able to accommodate the likely number of pupils generated from this development. A contribution of **£60,448** will be required towards

enhancing and increasing the provision of Primary Education infrastructure and capacity in the area.

- Library Provision – a financial contribution of **£4,297** is requested by the County Council to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development.
- A 28-day travelcard for each household, based on the current transport provider; Stagecoach's Oxfordshire 4-week Megarider Gold, currently priced at £77 (index-linked).
- Affordable Housing Provision – 50% affordable on site split between rented and intermediate products in accordance with policy LH8 of the Part 2 Local Plan.
- Healthcare Provision - The CCG confirm there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the development. The CCG are seeking a financial contribution towards infrastructure support of circa **£10,168**.
- Refuse and Recycling provision - **£70** per dwelling for provision of wheeled bins (index linked).
- Financial contribution towards provision and maintenance of off-site playing fields of circa **£924.70** per dwelling.
- Provision and maintenance arrangements of on-site play space and public open space including commuted maintenance sums where necessary.
- Financial contribution towards provision/improvement of allotments of **£1,323.99** (index linked)

Conclusions

- 9.122. The development would result in a need for improvements and enhancements to local infrastructure in order to mitigate its impact. These contributions and provisions would need to be included in a S106 Agreement and/or by conditions attached to any permission. In the absence of a completed Agreement the development would fail to provide sufficient infrastructure to support the development and would therefore conflict with the above-mentioned policies as well as national planning policy.

Other planning matters

Utilities

- 9.123. The application is accompanied by a Utilities Report which demonstrates that, with appropriate upgrades where necessary, the site can be served by electricity, water and gas.

Energy Efficiency/Renewables

- 9.117 Both local and national policy aims to ensure the delivery of sustainable development and well-designed homes which mitigate and adapt to the potential impacts of climate change.

- 9.124. Policy S10 of the JCS 2014 requires development to achieve high standards of sustainable design to improve environmental performance and energy efficiency and to maximise the generation of its energy needs from decentralised and renewable or low carbon sources, amongst other measures. Policy S11 requires major development to contribute to reductions in carbon emissions (amongst other measures).
- 9.125. The Part 2 Local Plan includes policies to provide electric vehicle charging points and to maximise water efficiency.
- 9.126. No information has been submitted with the application in respect of specific measures, but conditions could be attached in the event that planning permission were to be granted.

Middleton Cheney Neighbourhood Plan

- 9.127. Objections have been received on the grounds that locations for new residential development should be informed by the Neighbourhood Plan.
- 9.128. Middleton Cheney was designated a Neighbourhood Plan Area in summer 2012. Whilst it is understood that work is on-going and progress is being made on bringing the plan to a deliverable position, no draft Plan has yet been published for consultation. The NPPF makes it clear that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan.

HUMAN RIGHTS AND EQUALITIES

- 9.129. Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.
- 9.130. There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1 It is estimated that this development would attract a Community Infrastructure Levy (CIL) payment totalling circa £240,300.66 under the Council's current CIL Charging Schedule.
- 10.2 However, it should be noted that certain reliefs and exemptions are available (including social housing relief) and if claimed could result in a lower, or zero, charge, unless disqualifying events occur. (For further information relating to CIL please visit <http://www.southnorthants.gov.uk/7143.htm>).

11. PLANNING BALANCE AND CONCLUSION

- 11.1. The development proposed is not in accordance with the development plan overall for the reasons set out in this report i.e. the site is outside the established village limits, beyond the adopted settlement confines and within open countryside and causes visual and landscape harm in a SLA. The report considers whether there are material

considerations which indicate that the proposal should be determined other than in accordance with the development plan.

- 11.2. Carrying weight against the proposal (as well as the significant weight which is given to the provisions of the development plan) is that the development of a greenfield site into housing would cause some long-term landscape and visual harm and, in some cases, that harm will be Major/Major-Moderate/Moderate Adverse and for more than residents who immediately adjoin the site; users of the public rights of way network in particular will also experience a degree of harm. This level of harm is considered by the Council's landscape consultant to be significant. Add to this that the site lies within an area designated as a Special Landscape Area. This carries significant weight against the proposal.
- 11.3. Carrying weight in favour of the proposal is that it would provide up to 20 new homes, including 10 affordable homes, on the edge of one of the district's more sustainable settlements. Development of this scale is considered to be an appropriate scale relative to settlement's status in the settlement hierarchy, without significantly prejudicing the Council's spatial strategy. It would boost the council's supply of deliverable housing land and its delivery of affordable housing. The council can currently demonstrate a supply of housing land above 5 years, but this figure is a baseline, and not a ceiling, and the Government's policy objective of significantly boosting the supply of homes is clearly set out in the NPPF (paragraph 59). The applicant has provided evidence to show that there are no technical constraints. This means that the delivery of housing (including 50% of the homes as affordable) should carry significant weight in the planning balance.
- 11.4. Carrying moderate weight in support of the proposal are the new area of publicly accessible open space to be provided; biodiversity net gains to be delivered and the economic benefits of development.
- 11.5. This is a finely balanced case, but overall it is not considered that those material planning considerations that weigh in favour of the application, in this case, outweigh the conflict with the development plan, not least given the adverse landscape and visual impacts of the development that would result and the site's location in a designated Special Landscape Area, and in the context that the council is meeting its housing delivery targets in the rural areas.
- 11.6. Having regard to the three over-arching objectives to achieving sustainable development set out in the NPPF the balance weighs in favour of the development not being sustainable development.

12. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The application site lies on the edge of Middleton Cheney, beyond its established built up limits and outside the settlement confines for the village as designated in the adopted South Northamptonshire Local Plan (Part 2). The site therefore lies within open countryside. It also lies within a designated Special Landscape Area (SLA). SLAs are those parts of the district which are of particularly high landscape value and more fragile and sensitive to change. The adopted Development Plan seeks to meet identified housing needs via an urban-focussed distribution of development which concentrates development primarily in the rural service centres of Brackley and Towcester, whilst limiting development in the remainder of the rural areas in order to promote sustainable growth, reduce the need to travel and to protect the intrinsic character of the countryside and rural area. It also seeks to ensure that any development proposal within or affecting an SLA will contribute

positively to the conservation, restoration or enhancement of the area's character and appearance. Policy NE2 of the Part 2 Local Plan is clear that development within SLAs on unallocated sites and sites outside settlement confines should avoid harmful impacts to the character and appearance of the area. In this case the proposal would result in Moderate Adverse landscape and visual effects which are considered to be significant.

The development proposed would therefore conflict with the adopted Development Plan as a whole, in particular Policies SA, S1, S3 and R1 of the adopted West Northamptonshire Joint Core Strategy 2014 and Policies SS1, SS2, LH1 and NE2 of the adopted South Northamptonshire Local Plan (Part 2). In addition, it would conflict with paragraph 170 of the National Planning Policy Framework and National Planning Guidance. The Council can demonstrate a 5-year supply of deliverable housing sites (with the appropriate buffer), such that the policies which are most important for determining any application on this site, are not out of date and the presumption under Paragraph 11(d) of the NPPF does not apply. Given the Council's evidenced housing delivery, there is no over-riding need to deliver 20 homes on this site in contravention of the Development Plan. Material planning considerations sufficient to outweigh the provisions of the Development Plan in this instance have not been demonstrated.

2. Policies INF 1 and INF 2 of the West Northamptonshire Joint Core Strategy 2014 are concerned with infrastructure and developer contributions, and state that 'developers will be expected, in negotiation with the Local Planning Authority to make provision for related infrastructure and community facilities the need for which arises from the development'. This is consistent with the National Planning Policy Framework. In the absence of a signed legal undertaking the Council cannot be satisfied that the development proposal would make sufficient provision to mitigate the impacts of the development on existing community services and infrastructure serving the development including early years and primary education infrastructure; affordable housing; public open space; public transport; refuse/recycling infrastructure; libraries and primary healthcare infrastructure. The application is therefore contrary to Policies H2, INF 1 and INF 2 of the West Northamptonshire Joint Core Strategy 2014, Policies LH8, INF1 and GS1 of the South Northamptonshire Local Plan (Part 2) and the adopted Supplementary Planning Document 'Developer Contributions' (December 2010).

Further Recommendation: In the event that the planning committee refuse to grant planning permission the Assistant Director for Planning and Economy seeks delegated authority to agree the content of a S106 Agreement in the event that an appeal is received.