

Case Officer: Clare Caldwell

Applicant: Catesby Strategic Land Ltd

Proposal: Outline planning permission for the development of up to 54 dwellings (use class C3) including means of access into the site (not internal roads), associated highway works, public open space and extended gardens to No's. 6, 8, 10, 16 Waters Lane and 15 Thenford Road.

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: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The applicant seeks outline planning permission for up to 54 homes. The principal means of access is the only matter submitted for approval at this stage. The application also includes extensions to the rear gardens of 5 homes which abut the site.

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 (noise)
- SNC Arboricultural Officer
- NCC LLFA
- SNC Conservation
- SNC Ecology
- SNC Building Control
- SNC Strategic Housing (offering support if the affordable provision is confirmed as policy compliant)
- SNC Arboriculture

The following consultees have commented on the application:

- NCC Highways
- NCC External Funding
- Clinical Commissioning Group (CCG)
- SNC Environmental Protection (air quality and contaminated land)
- SNC Planning Policy

- Northants Police CPDA

Letters of objection have been received from 17 properties with no letters of support.

Planning Policy and Key Constraints

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

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 and within 2km of a number of Local Wildlife Sites.

A Public Right of Way (PROW) runs opposite the site between Waters Lane and High Street (AU15). A PROW also runs to the north (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
- Design Principles and Capacity
- 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

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a S106 Agreement for the reasons set out in the report. These being essentially that the development conflicts with an up to date development plan but that there are material planning considerations in this case that would outweigh the acknowledged conflict.

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 gross area of 2.92 hectares of arable land on the east side of Waters Lane; between Waters Lane and Thenford Road. It forms two fields divided by an established hedgerow. The land falls to the south east.

- 1.2. Access is currently provided by field gates onto Waters Lane and Thenford Road. Each of the site boundaries is delineated by hedgerows with a further hedgerow running east-west across the middle of the site. A tree belt is located along the Thenford Road frontage.
- 1.3. Alongside the northern boundary lies a residential property and garden. Abutting the eastern edge is a field with the rear garden of a residential property off Thenford Road beyond the south eastern corner. Residential properties back onto the site beyond the southern boundary. A new housing development known as Centenary Way/Poppyfields Way lies opposite the site on the western side of Waters Lane (Council reference S/2012/0221/MAO and S/2013/0928/MAR).
- 1.4. A public footpath lies beyond the site and runs westwards from Waters Lane joining with High Street. This path provides an informal route to the village's secondary school and onto the village centre.
- 1.5. The historic 'core' of lower Middleton Cheney lies to the south 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 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
- A Public Right of Way runs opposite the site between Waters Lane and High Street and to the north
- A native hedgerow crosses the centre of the site and hedgerows run along most site perimeters
- There are mature trees along some of the site boundaries especially Thenford Road and Waters Lane
- There are residential properties in close proximity to some of the site perimeters
- The land rises in the southerly field up towards Thenford Road.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The applicant seeks outline planning permission for up to 54 homes. The principal means of access is the only matter submitted for approval at this stage. The application also includes extensions to the rear gardens of 5 homes which abut the site.
- 3.2 Vehicular access will be taken from Waters Lane in the south western corner of the site. The access will comprise a 5.5m carriageway with 2m footways either side to meet NCC standards. These footways will connect to existing provision to the south of the access and to the north will include a dropped crossing to connect to the footway on the opposite side of Waters Lane. Waters Lane will be widened to 5.5m opposite the access.

3.3 The application is supported by a number of technical reports which are referred to in this report as necessary. The application is also accompanied by a Design and Access Statement and a Concept Masterplan incorporating the following key design principles;

- The site will be accessed from Waters Lane from where a residential street will lead to a number of lanes, shared surface streets and a focal space within the development;
- The development will be well-connected to its surroundings, linking to existing walking and cycling routes and footpaths and providing opportunities on site where possible;
- Trees and hedges on site will be retained as far as possible; where they need to be removed, new planting and trees will reinforce green connections;
- Lower density development will be positioned around edges to create a soft edge to the settlement and an informal building arrangement;
- An attenuation area will be provided at the lowest part of the site forming part of the SuDS strategy. The feature will provide a soft edge to the eastern edge of the site and a well-overlooked informal open space;
- Houses will be built at low density and will include a mix of market and affordable homes;
- Development will be up to two storeys;
- The northern edge of the site will incorporate open space which could include a play area in the form of natural play, to complement the existing equipped play space recently provided along Centenary Road.

3.4 The proposals demonstrate a net density (excluding public open space, strategic landscaping and strategic access roads) of 32.1 dwellings per ha (a gross density of 18.5 dwellings per hectare). For comparison, the recent development opposite amounts to 27.3 dwellings per hectare net (24.5 gross). Slade Leas development further south reaches around 32.4 net and 31 gross.

3.5 The application has been amended since the original submission to respond to comments made by the case officer. This has resulted in a reduction to the developable area; an increase in the amount of public open space and a resulting reduction in the number of dwellings proposed from 60 to 54.

3.6 *Timescales for Delivery:* The applicant has provided information to show that their sites can be delivered quickly. On average, across 14 sites for which they have previously achieved outline permission, there is an average lead in time from achieving consent to development commencing of 15.4 months.

3.7 The applicant is a site promoter and in the event that planning permission is granted, the site will be sold onto a housebuilder. Assuming the land is sold promptly, a reserved matters application could be submitted within 12 months of the grant of outline planning permission. Development could potentially commence by 2022 and would take up to 2 years to complete. An indicative timescale is set out below;

- Year 1 (2020) Outline Permission granted and site sale
- Year 2 (2021) Reserved matters granted; site preparation and start on site

- Year 3 (2022) 30 completions
- Year 4 (2023) 30 completions

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 the Council;

<u>Pre.App Ref.</u>	<u>Proposal</u>
P/2019/0322/PRM	Residential development (circa 60 homes)

5.2. The applicant was advised that the proposal could not be supported because the principle of development conflicted with an up to date development plan and there had not been material considerations demonstrated that would outweigh this conflict.

5.3. This application is accompanied by a Statement of Community Engagement which sets out how the applicant also engaged with the local community prior to the application submission. Various public consultation was carried out including a leaflet drop to 731 homes and businesses; a public consultation event in Jan 2020 and a dedicated website; meetings with the Neighbourhood Plan Group and Parish Council, and meetings with adjoining neighbours.

5.4. The applicant states that they first discussed the proposed development with Middleton Cheney Parish Council / Neighbourhood Plan Group in March 2017 and that updates regarding the proposals have continued to be provided to the Parish Council / Neighbourhood Plan Group to date.

6. RESPONSE TO PUBLICITY

6.1. This application was originally publicised by posting 4 site notices; two along the Waters Lane site frontage, 1 near the junction of Waters Lane with Main Road and 1 along Thenford Road. It was also advertised in the local newspaper. No letters were originally issued to neighbouring properties due to the temporary change to working practices during the Covid-19 pandemic when this application was received. During the course of the application the plans were amended and at that time letters were sent out to individual properties that adjoined the application site. The final date for comments is 4th August 2020.

6.2. At the time of writing this report objections have been received from 17 properties. These objections can be summarised on the following grounds;

Principle of development

- Contrary to adopted development plan policies which are not out of date. Paragraph 47 of the NPPF states that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'.
- The Council can demonstrate a 5-year housing land supply and there are no material planning considerations to outweigh the development plan conflict.

- Contrary to the Part 2 Local Plan as beyond the proposed village confines.
- Contrary to neighbourhood planning process – development should be part of this process and not piecemeal and should be rejected until the neighbourhood plan is approved.
- The village has already had much recent housing development – over a 12% increase in the last 10 years.
- Although designated a Primary Service Village, the village is not well served by amenities and has lost many services over the years; local schools are full; there is no doctor's surgery and local health services are under pressure; there is no dentist and no leisure facilities and only two shops. Bus services are inadequate.
- No need for new housing
- Speculative development

Traffic and Highway Safety

- Waters Lane is too narrow and is poorly maintained and busy with high levels of on-street parking. It cannot cope with the increase in traffic. Improvements should be made if permission is granted.
- The junction of Waters Lane and Main Street is dangerous.
- The road beyond the site up to Welsh Lane is very narrow and in poor condition and exits onto the most dangerous road in the county at a junction with very poor visibility. It is also used by walkers, horse riders etc. Rat-running would increase presenting unacceptable risk.
- Inadequate Traffic Assessment.

Impact on residents and neighbours

- Adverse impact on neighbours due to traffic, noise, positioning of access, loss of privacy, loss of light/overshadowing, construction.
- The applicant's proposal to extend gardens on Waters Lane should be legally binding.
- Adverse impact on air quality.

Loss of countryside/visual impact

- Detrimental effect on character of the village and landscape – large-scale and permanent
- Loss of agricultural land
- Loss of countryside and tranquil nature of village

Impact on biodiversity and ecology

- No evidence of net biodiversity gain

- Adverse impact on local bat population – a EPS - as well as birds, trees and hedges

Details of the application and timing

- Over-development
- Poor community engagement
- Invalid application
- Development should not take place beyond the northern most defined limit of the adjacent development opposite the site.
- Inappropriate scale of dwellings
- Application submitted during pandemic when meetings and/discussions cannot be held.
- Likely to be a recession forthcoming given the economic situation with Covid19. Does it make sense to approve any applications at a time when unemployment is likely to be hitting an all-time record and where the demand for housing will ultimately reduce (quite heavily) as a result. The application should be refused based on the economic climate and social impact that this will have not just in Middleton Cheney, but across the UK.

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;

- Paragraph 47 of the NPPF states that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The site is outside of the adopted 1997 SNLP Village Confines and is therefore considered to be in open countryside. Therefore, in respect of the 'saved' policies of the SNLP 1997 the principle of the proposal is contrary to policy EV2. Policy R1 of the WNJCS also identifies that residential development in rural areas be within the confines of the village. As such, the proposal is currently contrary to Policy R1(G).
- Policy R1 states that once the housing requirement for the rural areas has been met as is the case here, further housing will only be permitted if:
 - a) It results in environmental improvements such as through use of best practice in design; OR
 - b) It supports the retention or improvement of essential local services that may be under threat; AND
 - c) It has been informed by community involvement OR

is a 'rural exceptions' site OR has been agreed through an adopted Neighbourhood Plan.

The proposal satisfies none of the above criteria.

- Emerging Policy SS1 identifies Middleton Cheney as a Primary Service Village – Second category settlement and states at point (2) that new development should be within the settlement boundary. In this emerging document, the proposed site is outside of the settlement boundary. This plan is considered to be at an advanced stage and during the 'Local Plan Examination' the Inspector didn't raise any concerns regarding Middleton Cheney Village Confines specifically, and there are no proposed modifications to the Middleton Cheney confines.
- Waters Lane is unsuitable to accommodate the increase in traffic. The carriageway from the proposed site towards the village is too narrow, and the access point onto Main Road, which is already problematic, would become increasingly dangerous. The other section of Waters Lane leading out to Welsh Lane is single carriageway and would undoubtedly see an increase in 'rat run' traffic, presenting unacceptable risk.
- Local amenities including pubs, shops and doctor's surgery, have been lost in recent years, meaning that Middleton Cheney can no longer readily support development of this scale.
- Insufficient early years services; Middleton Cheney Primary Academy, is currently running at 98% capacity; Chenderit School is currently operating above the DfE's recommended capacity threshold at 96%, with forecasts indicating further increase.
- The Parish Council feels that the applicant has failed to engage effectively with the Middleton Cheney Neighbourhood Plan, instead submitting a speculative application.

CONSULTEES

7.3. NCC HIGHWAYS: **Comments** that the following are requested;

- Some carriageway widening on Waters lane in the vicinity of the site access;
- Extension of the existing 30mph speed limit past the site to ensure the safety of pedestrians when exiting the site especially onto adjacent PROW No AU15;
- Upgrades to the PROW as this is likely to be used by occupiers of the development; especially pupils attending Chenderit School;
- Directional cycle route signage be installed at the junction of Waters Lane and Main Road to tie in with the existing signage at the junction of Main Road with Astrop Road that directs cyclists to Banbury via the Regional Cycle Route 40;
- Provision of two bus shelters serving existing bus stops on Main Road, together with bus stop poles with integral timetable cases, flags and real time displays and a commuted maintenance sum;

- A 28-day travelcard for each household, based on the current transport provider; Stagecoach's Oxfordshire 4-week Megarider Gold, currently priced at £77. This would provide unlimited travel on service 500 to both Banbury and Brackley.

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

7.5. NCC KEY SERVICES: **Comment:** Early Years Services - There is a lack of capacity in the Middleton Cheney area with the number of children eligible for entitlement places exceeding the number of spaces available. A S106 contribution of circa **£238,320** (depending on final mix) will be required towards provision of additional Early Years capacity.

Primary Education - this development would be served by Middleton Cheney Primary Academy. As at March 2020, this school was operating at 99% capacity, above the Department for Education's recommended capacity threshold, with current forecasts indicating continued high levels of demand for places. It is therefore 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. A S106 contribution of circa **£238,320** (depending on final mix) will be required towards provision of additional Primary Education capacity.

Secondary Education - The proposed site would most likely be served by Chenderit School. As at March 2020 this school was operating at 96% capacity, above the DfE's recommended capacity threshold, with forecasts indicating continued high 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 contribution of circa **£276,000** (depending on final mix) will be required towards provision of additional Secondary Education capacity.

Officer Note: In the event that planning permission is granted infrastructure funding for secondary education would be expected to come from CIL payments.

Libraries - This development is expected to impact on the current level of library provision as the new residents moving into the developments utilise existing facilities and services. A S106 contribution of circa **£14,340** (depending on final mix) will be required towards the improvement, enhancement or expansion of Library facilities.

7.6. NCC ARCHAEOLOGY: **No Objections**

7.7. NORTHANTS POLICE CPDA: **Comments** that the proposal provides a development with back to back gardens, on plot parking and footpaths overlooked from the frontage of dwellings. There is perhaps one area where rear parking is provided which is disappointing and should be avoided if possible as it provides opportunities for both vehicle crime and burglary.

Officer Note: the application is in outline only and detailed design matters would be considered at reserved matters stage.

7.8. THAMES WATER: **No Objection** in respect of waste water network and sewage treatment capacity. Water supply is provided by Anglian Water.

7.9. ANGLIAN WATER: No response received.

- 7.10. SNC HEALTH AND ENVIRONMENTAL PROTECTION: **Noise – No Objections** subject to a condition to require submission of a Construction and Environment Management Plan. **Air Quality – Comments** - the site is unlikely to suffer from poor air quality, but the council is looking to minimise the cumulative impact on local air quality and measures should be taken to support sustainable travel, air quality improvements and traffic reduction at the application stage and these measures should be conditioned. These measures should include; electric vehicle recharging points; control of emissions from construction sites; Travel Plan; pedestrian links to public transport stops; new bus stop infrastructure; subsidised bus ticketing; layout to encourage walking; cycle paths/signage; appropriate standards of gas appliances and consideration of alternative heat sources. **Contaminated Land – Comments** that the submitted desk study report suggests further intrusive ground investigation needs to be carried out. This can be secured by conditions on any permission.
- 7.11. 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.
- 7.12. 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.
- 7.13. 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.
- 7.14. The application site is located in the open countryside outside of the village of Middleton Cheney and 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.
- 7.15. 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 emerging Part 2 Local Plan has been received and the Plan adopted. These matters are considered in the Officer's Assessment.

- 7.16. SNC ECOLOGY: **Comments:** Conditions are recommended if planning permission is granted. The Ecological Appraisal is appropriate and fit for purpose and follows appropriate industry guidelines and best practice. There are no statutory or non-statutory designated sites within the development site boundary, or the zone of influence and the habitats present on site are largely of low ecological value. Bats were found to be utilising the site and surrounding countryside for foraging and the hedgerows for commuting purposes, but at low levels with low species diversity. 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. There was no evidence of badgers and the site contains poor terrestrial habitat for Great Crested Newts (GCN). The closest pond is a garden pond adjacent to the site which was assessed as being of poor/negligible potential for GCN. An eDNA test was carried out and confirmed the absence of GCN. There is a negligible potential for reptiles. No further surveys are required. Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the mitigation and enhancements identified in the Ecological Appraisal are followed fully and successfully.
- 7.17. Within the concept masterplan there will be the provision of a SuDS feature which will be designed to be of wildlife value, as well as tree and shrub planting and the creation of wildflower meadows. This will ensure a net gain in biodiversity is achieved in line with NPPF as is shown within the submitted Biodiversity Impact Assessment. The species used for the above enhancements 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 this should be submitted to accompany the future reserved matters application.
- 7.18. SNC CONSERVATION: **Comments** that the submitted Archaeological and Heritage Report has adequately considered nearby heritage assets and the most significant asset in Middleton Cheney that of All Saints Church, a Grade I listed building. The level of detail provided is considered proportionate given the type and position of these assets and their relative detachment from the proposed site. In so far as the Lower Middleton Cheney Conservation Area is concerned, the Conservation Officer 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 harm its setting.
- 7.19. SNC BUILDING CONTROL: **No Objections.**
- 7.20. SNC STRATEGIC HOUSING: **No Objections** - The scheme proposes that 50% of the units will be affordable which is compliant with Policy H2 of the JCS. If the applicant confirms that the affordable housing will be split between rented and intermediate products in accordance with policy LH8 of the Part 2 Local Plan and is willing to enter into a Section 106 agreement to secure delivery of the affordable housing element of the scheme, Strategic Housing will be able to offer **support** for the development in principle. The development will need to comply with Policy LH10 of the Part 2 LP (accessibility standards).
- 7.21. CLINICAL COMMISSIONING GROUP: **Comment** that there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand. 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 new housing development experiencing difficulties accessing primary care health services. Therefore, the CCG is seeking a financial contribution towards infrastructure support to ensure the new population has access to good quality primary health care services. A contribution of **£30,504.28** is requested.

Officer Note: This is based on 60 homes; no response has been received to the amended proposal for 54 homes. Using the CCG's calculations the contribution for 54 homes would amount to £27,454.

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
- 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”)
- 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 taking into account 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
- Affordable Housing
- Design Principles and Capacity
- 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 and LH1.
- 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

¹ About 2,360

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 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 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 age of the JCS 2014; the reliance on the JCS housing requirement rather than the Local Housing Need figure; failure to meet NRDA housing requirements; lack of site allocations in Primary Service villages in the Part 2 Local Plan; reliance on Neighbourhood Plans which cannot deliver short term growth (reference being made to Middleton Cheney where no draft plan has been produced); local housing needs in the village which are not being established or met and the shortfall of affordable homes.

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.

- 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 current pandemic on future delivery are of course a currently changing unknown and will need to be closely monitored.
- 9.16. Objections have been received on the grounds that locations for new residential development should be informed by the Neighbourhood Plan.
- 9.17. 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.

Conclusions

- 9.18. 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.
- 9.19. 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.
- 9.20. 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.
- 9.21. 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.
- 9.22. 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 applicant has provided information to show that the site has no technical constraints and that housing can be delivered quickly and within the next 5 years.

These considerations attract significant weight.

Delivery of Affordable Housing

- The development will provide 50% affordable housing (circa 27 homes) and will therefore make positive steps towards meeting an identified affordable housing need. On the basis that the affordable housing provision is policy compliant (which would be secured through a s106 Agreement and conditions) the Strategic Housing Team would lend their support to the application.

This is a consideration to be afforded significant weight.

Settlement Hierarchy and sustainability of location

- The site adjoins the established built up limits and proposed village confines of one of the district's five Primary Service Villages as categorised in the settlement hierarchy of the adopted 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.

This is a consideration of significant weight.

Scale of Development

- Development of up to 54 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.

The Site Characteristics and impact on local character

- The site is located outside of the designated Special Landscape Area that lies to the south/south east of the village and no significant adverse long-term visual/landscape impacts have been identified; albeit a localised adverse change has been identified.
- The site is not of particular significance to the form and character of the village.

⁴ Para 59

⁵ Para 73

- The site itself is well contained, well-related to the village and its services/facilities (including via a nearby PROW which can be used to access the secondary school and then onto the primary school and village centre), adjoins the settlement edge to the south and west and has established and defensible boundaries.
- A new housing development lies immediately to the site's west and the northern developable area of the application site aligns with the northern extent of this adjacent site.

These considerations carry significant weight.

Infrastructure Improvements and enhancements

- The development will deliver some improvements to bus infrastructure as set out in this report.

This consideration carries limited weight.

- The development will help to deliver improvements to the PROW network in respect of providing a financial contribution to cover the likely costs of surfacing the PROW along the currently unsurfaced section. This is an important (albeit not the only) link to the village centre and schools.
- A new area of publicly accessible open space will be provided where public access is not currently available and which is significantly in excess of policy requirements.

These considerations carry moderate weight.

Other material planning considerations

- Biodiversity net gains will be delivered.
- The new homes (during both construction and occupation) will provide economic benefits.
- Other than its position beyond the settlement confines, and with appropriate safeguards in place, development of this site would not conflict with criteria A- F of Policy R1 of the JCS 2014.

These considerations carry moderate weight.

- 9.23. 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 sufficient material planning considerations that would outweigh the acknowledged conflict with the development plan. This balance is discussed at the end of this report.

Affordable Housing

Policy Context

- 9.24. The Council's affordable housing requirements as set out in the JCS 2014 amount to 3,300 homes between 2011-2029; or 183 units per annum⁶.
- 9.25. 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.

⁶ Excluding the NRDA

9.26. Policy LH10 of the Part 2 LP sets accessibility standards.

Assessment

- 9.27. The applicant proposes 50% of the proposed dwellings to be delivered on site as affordable housing in accordance with the development plan, amounting to circa 27 units.
- 9.28. 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.
- 9.29. 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.
- 9.30. 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 19 of the 27 units being for rent and 8 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.

Conclusions

- 9.31. 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 could support the application. This carries significant weight in favour of the proposals.
- 9.32. The accessibility standards set out in Policy LH10 can be secured through conditions and/or a S106 Agreement.

Design Principles and Capacity

Policy Context

- 9.33. 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.
- 9.34. 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.

- 9.35. Policy H1 of the JCS 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.
- 9.36. 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.
- 9.37. 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

- 9.38. The application is in outline only so matters concerning housing mix (other than affordable), layout, scale, appearance and landscaping are reserved for later consideration. The application is supported by a parameters plan which in turn is informed by a concept masterplan. The parameters plan shows that the developable area (which will include the gross residential development i.e. the homes, access roads, private drives and foul pumping station) will only extend as far north as the development opposite on Waters Lane. Open space will be provided between the developable area and the northern site boundary, as well as around the eastern site edge and proposed attenuation area. A buffer will also be provided along Waters Lane and a green buffer consisting of a landscaped strip and garden extension to the south.
- 9.39. Overall, the area of public open space will amount to 1.17ha against a policy requirement in the Part 2 Local Plan of 0.21ha. This will include amenity/informal open space, an equipped play area (proposed as 'natural play' to complement the play area off Centenary Road), SuDs, landscaped buffer and extended gardens.
- 9.40. The open space provision means that the gross density of development is low with a net density of between 31 per ha and 32.7ha. Surrounding developments vary between 44 dph net (immediately to the south) and 27.4 dph net opposite. As a result, the resulting densities in this case would not be unreasonable and would not be out of kilter with surrounding development. Housing is proposed to be no more than 2 storeys.
- 9.41. The parameters plan would allow for retention and enhancement of existing site boundaries and trees/hedges wherever possible and help achieve the net biodiversity gains mentioned elsewhere in this report. The development would also facilitate pedestrian linkages both throughout the development, the associated open space and linking off site to public rights of way and the highway network.

Conclusions

- 9.42. Compliance with the parameters plan would be a condition of any approval and together with appropriate consideration of the reserved matters and the proposed conditions and safeguards could achieve a development that would not conflict with the council's design policies and aspirations.

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

Policy Context

- 9.27 JCS Policy R1, interalia, 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.
- 9.26 Policy SS2 of the Part 2 Local Plan, interalia, 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.

Assessment

- 9.43. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The Assessment has been informed by desk study and fieldwork and draws upon established guidance. A Zone of Theoretical Visibility Study (ZTV) has been generated, followed up by fieldwork. Viewpoints from a number of surrounding roads and public rights of way have been considered with the assessment taking place during the winter months when vegetation was out of leaf and visibility more apparent.
- 9.44. Landscape effects – the LVIA finds that effects would be contained within an approximate area comprising the eastern edge of Middleton Cheney; and the fields adjacent to the site to the north and north-east of Thenford Road, extending to approximately 350m in this direction. It is judged that whilst the proposed development would add to the built-up area of Middleton Cheney, it would be perceived as part of the existing settlement and not extend into the more open landscape to the north-east of the site. In combination with a comprehensive landscape strategy effects on landscape character would be limited.
- 9.45. Permanent effects on landscape character would be at their greatest within the site itself and its immediate context (up to approximately 25m), being judged to be at most Moderate and Adverse in this immediate context. Beyond the site and its immediate context, effects to the north and north-east of the Site (up to approximately 350m) would be at their greatest upon completion (Medium-term) before proposed periphery planting has established. Effects would be at most Slight and Neutral. Permanent effects would reduce, being at most Negligible and Neutral.
- 9.46. Outside of these areas, effects to the landscape character would decrease to Negligible with no discernible changes to the prevailing landscape character.
- 9.47. Visual Effects – The LVIA concludes that visual effects too would be relatively limited, with the most effects again being felt within the site's immediate context (up to approximately 25m) where views would be possible through gaps in the boundary vegetation and past existing buildings. The most significant permanent visual effects would be experienced by people using public paths, roads and areas in the immediate site area such as Waters Lane, Thenford Road and Centenary Road. These effects are found to be Adverse and Moderate, but the effect would reduce with distance.

- 9.48. Medium-term effects on those using the Public Rights of Way to the north-east of the Site (ref. BA11) are found to be no more than Slight before proposed periphery planting has established. From such locations, effects are judged to be Neutral, as whilst new housing would be visible, the proposed development would be viewed in the context of the existing built-up settlement area of Middleton Cheney. Over time as proposed planting establishes, permanent effects would reduce such that effects would be Slight / Minimal and Neutral. Other visual receptors outside the areas described above would not experience effects greater than Minimal. These effects would be Neutral owing to existing settlement context of Middleton Cheney or would be largely screened from view by intervening buildings, vegetation and/or undulating landform.
- 9.49. 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, the LVIA demonstrates that this will be a very localised effect and there is no reason to take a contrary view to that in the LVIA that wider landscape and visual effects beyond the site and the immediate area will be much more limited and reducing still further over time as planting takes effect.
- 9.50. Whilst there is land designated as a Special Landscape Area (SLA) to the south and south east of Middleton Cheney, the application site does not lie within this designated area. Whilst this does not mean that the landscape beyond the SLA is of little value, as all landscapes in the district are considered to have character and particular distinctive features to be conserved, it does mean that there are areas of even greater landscape value elsewhere around the village which are more fragile and more sensitive to change.

Conclusions

- 9.51. The application site does not lie within land designated for its special landscape qualities. The LVIA finds that there will be a moderate adverse landscape and visual impact on the site and its immediate context which would inevitably result from its change from a field to a housing development. However, the overall extent of harm as a result of this development beyond this immediate context is found to be Slight/Minimal and Neutral, reducing further over time to Negligible and Neutral. This is due both to the positioning of the site relative to the wider village, its topography, existing and proposed landscaping and the design principles the application seeks to establish. There is no evidence to suggest that the site is of particular significance to the form and character of the village.
- 9.52. In light of these findings it is not considered that the proposed development would result in an unacceptable level of visual or landscape harm, or harm to the character of the the village to the extent that development would conflict with the above-mentioned development plan policies.

Highways Impact

Policy Context

- 9.53. 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.
- 9.54. 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

- 9.55. The application is accompanied by a Transport Statement (TS) which includes results from a traffic count undertaken in Feb/March 2019. The TS finds that the 85th percentile speed is 25.7mph north bound (out of the village) and 25.3mph southbound (into the village). Trip rates are estimated to be in the region of 49 movements in the morning peak, 41 in the evening peak and 384 over a 12 hour period⁷. Junction assessments have been undertaken for the junction of Waters Lane and Main Road and the junction is shown to operate well within capacity with minimal queuing and delay for all modelled scenarios. The TS concludes that the overall traffic impact of the development will be negligible and that the development proposals are in full accordance with paragraphs 109-110 of the NPPF. On this basis, it suggests that there are no transport reasons for refusing planning permission.
- 9.56. The site is to be served by a single point of access onto Waters Lane towards the site's south western corner. The access will meet NCC standards having a 5.5m carriageway a 2m footway either side. A new dropped crossing will allow a connection to an existing 2m footway opposite which provides access southwards to Main Road. There is also an existing footway on the eastern side of Waters Lane south of the proposed access. Waters Lane will be widened opposite the access point. The access details have been amended since the original submission to respond to comments made by NCC. NCC now confirm that they are content with the proposed access arrangements.
- 9.57. As part of the proposals (and again at the request of NCC) the applicant proposes to extend the existing 30mph speed limit further north on Waters Lane (by about 50m). This has been discussed with the County Council's Road Safety Team and the Speed Limit Panel. The consensus view of the Panel was to agree to the proposals to relocate the existing 30/60mph speed limit to the north by no more than 50m from their current location, and preferably closer, in order to provide an obvious visual association with dwellings to approaching motorists. In addition, given the restrictive width of Waters Lane, it was considered likely that compliance with the extended limit will be self-enforced. This relocation will need a Traffic Regulation Order (TRO) the costs of which would be secured via a S106 Agreement if planning permission were granted. The works would be delivered as part of any S278 Agreement.
- 9.58. It is agreed between the applicants, planning officers and NCC Rights of Way officers that improvements to PROW AU15 would be a benefit of the proposed development. This is a PROW that runs from Waters Lane to the High Street, past the secondary school. The western section is already hardsurfaced but the section between Waters Lane to just past the school is unsurfaced. Removing the stile at the Waters Lane end and hardsurfacing the currently unbound section of path would be valuable improvements. However, whilst part of the path lies within land owned by the County Council, part is on private land over which the applicant has no control. The applicant has therefore offered to cover the costs of the works, offering £66,250. Discussions have taken place with the County Council who have confirmed that they are unable to carry out the works or accept a financial contribution to cover the cost of the works. Because this is an important link and a benefit of the proposal it is therefore recommended in this case that SNC accept the contribution and liaise with the County Council and/or landowners going forwards to try and secure the

⁷ For 60 homes

delivery of improvements. If these improvements cannot be delivered the financial contribution could be put towards other health and well-being initiatives in the area.

Conclusions

- 9.59. 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

- 9.60. 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.*
- 9.61. 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.
- 9.62. 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

- 9.63. The application is accompanied by an Archaeological and Heritage Assessment which includes a desk-based assessment and results of a site walkover. The report was informed by the Historic Environment Record.
- 9.64. 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 south. These are all located within Lower Middleton Cheney Conservation which itself lies to the south of the application site.
- 9.65. Importantly, the report finds that the context of these assets is developed and modern development screens the site from the closest designated heritage assets including the conservation area. There is stated to be no visual or associative relationship between any of these and the site, and none would be affected by proposed change.
- 9.66. The Council's Conservation Officer has reviewed the application and supporting documents and is of the view that that the submitted Archaeological and Heritage Report has adequately considered nearby heritage assets. The level of detailed

provided is considered proportionate given the type and position of these assets and their relative detachment from the proposed site. In so far as the Lower Middleton Cheney Conservation Area is concerned, the Conservation Officer 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.

- 9.67. In respect of archaeological assets, in February 2020 an archaeological evaluation was undertaken. This comprised the excavation and recording of 9 trenches across the site. A report detailing the findings has been submitted. The evaluation was conducted in accordance with the approved Written Scheme of Investigation (WSI), agreed by the County Council's Archaeological Advisor. The archive will be deposited in due course with the Northamptonshire Archaeological Resource Centre; a digital archive will also be submitted.
- 9.68. The County's Archaeological Advisor has confirmed that there are no objections to the development in respect of archaeology.

Conclusion

- 9.69. 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

- 9.70. 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

- 9.71. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy.
- 9.72. Flooding - The site lies within Flood Zone 1 within which all types of development are suitable in policy terms. The majority of the site is also identified by the Environment Agency as being in an area at very low risk of surface water flooding, but there is a small band of 'low risk' along the eastern boundary and a band of medium/high risk across part of the southern site extent.
- 9.73. A positive drainage system will serve the proposed development, which aims to ensure that surface water is intercepted and fully managed such that it will not pose a flood risk to existing or proposed property.
- 9.74. Whilst records suggest the site is within an area of potential groundwater flooding, a borehole within the site boundary reported that no groundwater was encountered, whilst another borehole 70m west of the site reported groundwater at 6.7m below ground level. The groundwater level is likely to be subject to seasonal variations and give rise to a minimal risk of groundwater flooding.

- 9.75. Surface Water – A public surface water sewer crosses the centre of the site and there are further sw sewers in Waters Lane and Thenford Road. The drainage strategy proposes to capture surface water in a gravity sewer system which will be attenuated on-site before being discharged at a restricted rate to the public sw sewer within the site. This sewer discharges into a drainage ditch on Thenford Road. The applicant has approached Thames Water (at the request of the LLFA) who advise that a capacity check has been completed and confirmed.
- 9.76. NCC as LLFA have been consulted and have been provided with further information by the applicant. They are satisfied that the applicant has demonstrated that the drainage hierarchy has been followed and that the discharge from the site is limited to a surface water sewer. They asked for confirmation from Thames Water that there is a suitable connection point and an approved maximum discharge rate to their asset and confirmation has been provided by the applicant. The LLFA confirm that if conditions are included the impacts of surface water drainage will have been adequately addressed at this stage.
- 9.77. Foul Water - Existing public foul water sewers are located within the vicinity of the site, most notably in Waters Lane to the west and Thenford Road to the south. It is proposed to convey foul water by a gravity sewer network to a pumping station. Flows will then be conveyed to the mains system in Waters Lane.
- 9.78. Thames Water have been consulted and raise no objection in respect of waste water network and sewage treatment capacity. Water supply is provided by Anglian Water who have also been consulted but no comments have been received.

Conclusions

- 9.79. 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

- 9.80. 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

- 9.81. There are a number of neighbouring properties that will be affected by the proposed development; most notably those that immediately overlook and adjoin the application site which are properties in Waters Lane and Thenford Road. Where residents have raised concerns about noise, traffic, construction etc these are covered elsewhere in this report. In terms of loss of light/outlook and/or privacy/residential amenity it should be noted that this is an outline application and the submitted illustrative masterplan shows just one way the site could be developed and is not for approval at this time. The site is such that it could be developed in accordance with the Council's minimum separation standards and therefore it is not

considered that the development of the site would unacceptably harm residents' amenities in these respects as a matter of principle.

- 9.82. In coming to this view, it is noted that the majority of properties to the west of the site lie beyond Waters Lane itself which provides a degree of separation. The properties most directly affected are the existing property to the north which will be impacted to a certain extent by the provision of public open space to its south which does not currently exist, the properties to the south whose rear gardens abut the site and the property along Thenford Road which also adjoins the site.
- 9.83. The submitted parameters plan shows clear open space buffers around all site edges in order to minimise impact as far as is possible. The properties to the south will also benefit from an offer to provide land to extend their rear gardens and to supplement this with a strategic buffer. This can be secured through conditions or legal agreement. As a result, it is not considered that loss of privacy/outlook/amenity would be a reason for refusal that could be substantiated.
- 9.84. 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.

Conclusions

- 9.85. With an appropriate site layout and 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 Impact and Biodiversity

Legislative context

- 9.86. 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.
- 9.87. 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

- 9.69 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.
- 9.70 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.
- 9.71 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.
- 9.72 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.
- 9.73 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

- 9.74 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 arable land, hedgerows, woodland, trees and a garden 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.

- 9.75 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.
- 9.76 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.
- 9.77 The application is supported by an Ecological Appraisal which includes a detailed protected species survey. The Council's Ecologist considers the submitted report to be fit for purpose. The report finds that the habitats present on site are largely of low ecological value and that the site generally offers limited opportunities for protected species. Bats were found to be utilising the site and surrounding countryside for foraging and the hedgerows for commuting purposes, albeit at low levels with low species diversity. Furthermore, it is considered likely that birds' nest within suitable habitat at the site and could therefore potentially be adversely affected by the proposals. The Council's Ecologist is satisfied that no further surveys are needed.
- 9.78 Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the mitigation and enhancements identified in the Ecological Appraisal are followed fully and successfully. This can be secured by conditions attached to any permission.
- 9.79 The majority of on-site hedgerows, trees and the wooded strip are to be retained under the proposals and will be protected during construction. Appropriate mitigation and enhancement measures will be implemented to safeguard bats and nesting birds. SuDs features will be designed to be of value to wildlife and include elements to encourage a broad range of invertebrates and amphibians to colonise.
- 9.80 The species used for enhancements 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 net gain is achieved and maintained in the future. These too can be secured by conditions.
- 9.81 The proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree planting and wildflower grassland, new roosting opportunities for bats, and more diverse nesting habitats for birds. Enhancement measures are also proposed including hedgehog nesting sites and fencing; invertebrate and reptile refugia; bee bricks and suitable planting creating a nectar source. The biodiversity net gains are evidenced by the submitted Biodiversity Impact Assessment Calculator.

Conclusion

- 9.82 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.

- 9.83 The development will result in a biodiversity net gain.
- 9.84 The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Farthinghoe Local Nature Reserve located approximately 1.7km to the south-east of the site. The nearest non-statutory designation is Middleton Cheney Road Verge located approximately 0.4km to the east of the site. All the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals.

Trees and Hedges

Policy Context

- 9.85 Policy NE4 of the Part 2 LP seeks to integrate existing trees, woodland and hedges into development where appropriate and seek 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

- 9.86 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.⁸ The existing trees are positioned along the site boundaries, and within the central hedgerow that divides the two fields.
- 9.87 The concept masterplan will have an impact on 6 trees or groups of trees; Two of which are classed as Category B (moderate quality) and four as Category C (low quality). This is due to the need to remove trees for provision of the access and to facilitate development (noting however that this concept masterplan is illustrative only). In total there are 18 existing trees, groups and hedges within the site; 3 will be lost, 4 will be affected and 11 will be unaffected.
- 9.88 Retained trees will be suitably protected during construction and some pruning/maintenance/management works are also proposed. Appropriate no dig foundations will be used where necessary. Replacement planting is proposed to mitigate the tree loss which includes new native planting along site boundaries, new street trees and a central green corridor.
- 9.89 The Council's Arboricultural Officer considers that the submitted information appears to be a true reflection of the quality and value of the trees on the site and that it should be possible to implement a layout that has a limited impact on them.
- 9.90 He comments that the proposed access will require the removal of a group of trees shown to be of moderate quality, but that this is unlikely to have a significant impact on the overall amenity of the area, given their current limited size and form. He also considers that it should be possible to mitigate any loss of trees, and even have net gain in tree/canopy cover, with a condition for a full landscaping scheme. This should include the planting of various sized trees and of a mixed species in-keeping with the surrounding natural environment and which could be suitable for future climate change.

⁸ There is a TPO to the west adjacent to the PROW

- 9.91 The Officer recognises that it has been suggested in correspondence that the trees be considered for protection by a Tree Preservation Order (TPO). He comments that although the trees have some amenity value, their removal would not have a 'significant negative loss', due to their limited size and form and therefore, it would not be considered expedient to place them under the protection of a TPO.
- 9.92 The Tree Protection Plan appears fit for purpose subject to some confirmations on detail and appropriate conditions should be attached to any permission. Overall, the Officer raises no objections.

Conclusion

- 9.93 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.

Pollution Control – noise, air quality, contaminated land

Policy Context

- 9.94 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.
- 9.95 Policy SS2 similarly 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

- 9.96 Noise - The application is accompanied by an Acoustic Design Statement. This includes an assessment of baseline noise conditions deduced from sound monitoring on site along Waters Lane and Thenford Road. The proposed development was found to be between low and medium risk which means that appropriate internal noise levels would be achieved through standard design practices and no specific acoustic mitigation measures are needed.
- 9.97 The Council's Environmental Protection Officer is generally satisfied that the noise impact assessment has been undertaken in accordance with the relevant standards and procedures and makes no adverse comment on grounds of noise based on the recommendations of the Acoustic Design Statement.
- 9.98 He also comments that no assessment has been provided in respect of potential noise/dust impacts from construction activities and he therefore recommends the imposition of a safeguarding condition to require submission of a Construction and Environment Management Plan in the event of any planning approval being granted

- 9.99 Air Quality - The nearest Air Quality Management Area (AQMA) is approximately 3.7km west in Banbury. The application is supported by an Air Quality Assessment which considers both construction and operational phases.
- 9.100 For the construction phase, the most important consideration is dust. Without appropriate mitigation, dust could cause temporary soiling of surfaces, particularly windows, cars and laundry. Mitigation measures are proposed to ensure that the risk of adverse dust effects is reduced to a level categorised as 'not significant'. These measures could be addressed by conditions if planning permission were granted.
- 9.101 For the operational phase, road vehicle emissions are the most important consideration. Detailed atmospheric dispersion modelling has been undertaken for the first year in which the development is expected to be fully operational. Pollutant concentrations are predicted to be well within the relevant health-based air quality objectives at both existing and proposed receptors. Therefore, air quality is considered to be acceptable at the development site.
- 9.102 The Council's Environmental Health Officer is satisfied that whilst the site is unlikely to suffer from poor air quality, the Council is looking for *all* developments to support sustainable travel, air quality improvements/traffic reduction as required by the NPPF and is looking to minimise the cumulative impact on local air quality, including in adjoining administrative areas such as Banbury in this case. Measures to support sustainable travel, air quality improvements and traffic reduction should form part of the development and be conditioned where necessary. This could include various measures such as electric vehicle charging points; controlled emissions during construction; Travel Plan; improvements to public transport infrastructure; pedestrian links to bus stops; subsidised ticketing; pedestrian linkages; signage and minimum standard gas boilers.
- 9.103 Contaminated Land - The application is accompanied by a Phase 1 Site Appraisal. The risk from contamination is considered low to medium. Naturally occurring arsenic is likely. Before development takes place a ground investigation is needed to determine more accurately the effect of the identified hazards on the development.
- 9.104 The Council's Environmental Protection Officer notes the requirement for further intrusive investigations before development commence and recommends that this is secured by appropriate conditions on any planning permission. Further safeguarding conditions are also recommended depending on the findings of the investigation.

Conclusions

- 9.105 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

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

Assessment

9.107 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 or the 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 circa **£238,320** (depending on final mix) 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 accommodate the likely number of pupils generated from this development. A financial contribution would be needed towards enhancing and increasing the provision of primary education infrastructure and capacity in the area to ensure that the children generated by this development could be accommodated within a local school. Circa **£238,320** (final amount dependent on dwelling mix).
- Library Provision – a financial contribution of circa **£14,340** is requested by the County Council (final amount dependent on dwelling mix).
- Public Transport
 - Provision of two bus shelters serving existing bus stops on Main Road, together with bus stop poles with integral timetable cases, flags and real time displays and a commuted maintenance sum.
 - 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).
- Financial contribution of **£66,250** (index linked) to fund improvements to Public Right of Way AU15 consisting of the removal of the stile at the Waters Lane end and surfacing with a bound surface. In the event that these improvements cannot be delivered the contribution would be put towards other health and well-being initiatives in the area.
- Cost of Traffic Regulation Order to cover the relocation of 30 Mph speed limit along Waters Lane (relocation secured by condition).
- Provision of directional cycle route signage at the junction of Waters Lane and Main Road.
- Affordable Housing Provision – 50% affordable on site split between rented and intermediate products in accordance with Policy LH8 and LH10 of the adopted Part 2 Local Plan. The final affordable housing mix should be a balance of house types and reflect the overall housing need for this area of the district (mix to be agreed).
- 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. 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.

The CCG are seeking a financial contribution towards infrastructure support of circa **£30,504.28**.

- 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 amenity open space including commuted maintenance sums where necessary.
- Financial contribution towards the off-site provision and/or enhancement of allotments in Middleton Cheney of **£3,574.77** (index linked)
- Measures to secure the offering of additional land to extend neighbouring gardens as shown on the submitted Parameters Plan.

Conclusions

- 9.108 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 secured by conditions attached to any permission.

Other planning matters

Agricultural Land Classification

- 9.109 The application is supported by an Agricultural Land Classification Report which includes testing of soil samples. This finds that the majority of the site (76%) is grade 3b (moderate quality) with the remainder (24%) being grade 2 (best and most versatile).
- 9.110 Government policy in the NPPF recognises the economic and other benefits of the best and most versatile agricultural land and seeks to focus significant development of agricultural land to areas of poorer quality land. Policy SS2 of the Part 2 LP includes a similar requirement. The NPPF defines 'best and most versatile' land as that within grades 1, 2 and 3a of the ALC.
- 9.111 Therefore, development of this site would result in the loss of some best and most versatile land. In this respect it would conflict with some elements of the relevant adopted development plan policies.
- 9.112 National policy refers to 'significant' development of such land. In this case only 0.7ha of the site is so classified. This is the southern part of the site which is surrounded by residential development on three sides and it would not be viable to retain this part of the site for agricultural purposes if the remainder, lower quality, land was to be developed.
- 9.113 Whilst there is a conflict with the relevant development plan policies in this case, given the extent of the loss of this higher quality land (less than 1ha) and the part of the site concerned, it is considered that this should only carry limited weight in the planning balance against the proposal.

Utilities

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

Lighting

9.115 The application is accompanied by a Lighting Impact Assessment which considers the impact of lighting on a number of roads and paths around the site, including public rights of way, as well as residents and visitors. In summary the report finds that the development will result in a slight increase sky glow, site aura and light presence, during both construction and occupation, which may be perceived by the local population and may result in the alteration of wildlife patterns in the area; a possible increase in light 'glare', during both construction and occupation, which may have an effect on the visual comfort of local residents and temporary visual intrusion of the construction processes upon the surrounding landscape.

9.116 Mitigation measures are therefore proposed which include;

- Luminaires to minimise the upward spread of light near to, or above, the horizon. Luminaire controllers will reduce spill light and glare
- Glare will be kept to a minimum by ensuring the main beam angle of luminaires directed towards any potential observer is kept below 70 degrees. Higher mounting heights will allow for lower beam angles to be installed, which will assist in reducing glare.
- Measures to minimise impacts on bats as recommended by the Bat Conservation Trust.
- In order that the effect from lighting associated with the construction phase activities is minimised, measures will need to be incorporated to minimise light spill.

9.117 These measures can be secured by appropriate conditions if the development is granted planning permission.

Energy Efficiency/Renewables

9.118 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.

9.119 Policy S10 of the WNJCS 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).

9.120 The Part 2 Local Plan includes policies to provide electric vehicle charging points and to maximise water efficiency.

9.121 The application is accompanied by a Sustainability Statement which sets out both broad principles and more specific design measures to ensure delivery of a sustainable development. It gives broad steers for more detailed designs at a later date if outline permission were to be granted. Some of these measures include;

- The design of new homes which provides provide adaptable, comfortable living environments which prioritise natural lighting and ventilation.
- The specification of sustainable materials and construction methods which reduces resource use and reduces the environmental impact of development through good design.
- The use of measures to reduce pollution during construction and operation including measures related to noise pollution, air quality and water pollution.
- Use of measures to manage, reduce and maximise recycling during construction
- Homes designed in accordance with the energy hierarchy and a fabric first approach to reduce energy use and carbon emissions beyond the requirements of the 2013 Building Regulations.
- Provision of water efficient fittings to target water use of 110l/p/d, in accordance with the Building Regulations high water efficiency standard in line with the requirements of the adopted Local Plan.
- Homes designed to minimise the risk of overheating taking into account the UKCP18 climate projections.

9.122 Appropriate design measures can be secured through conditions requiring the submission of a detailed strategy with the submission of reserved matters applications.

HUMAN RIGHTS AND EQUALITIES

9.123 Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.

9.124 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 This development would attract a Community Infrastructure Levy (CIL) payment under the Council's current CIL Charging Schedule. However due to the outline nature of the development the figure is currently unknown. The CIL charge will be calculated fully upon the submission of a detailed reserved matters application. Certain reliefs and exemptions are available (including social housing relief) and if claimed could result in a zero charge, unless disqualifying events occur. (For further information relating to CIL please visit <http://www.southnorthants.gov.uk/7143.htm>).

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 and the adopted settlement confines and within open countryside. 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 (other than 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 a degree of visual harm. However, this harm would be confined to the site itself and the immediate context, with limited impact on the wider settlement. To an extent this harm is inevitable when a site

changes from agricultural to residential. This therefore carries only moderate weight against the proposal. The development will also result in a small loss of some best and most versatile agricultural land. This carries only limited weight for the reasons given in the report.

- 11.3 Carrying weight in favour of the proposal is that it would provide up to 54 new homes, including around 27 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 and that housing could be delivered quickly and within the next 5 years. This means that the delivery of housing (including 50% of the homes as affordable) should carry significant weight in the planning balance.
- 11.4 Also carrying weight in support of the proposal is that the site lies outside the designated SLA which surrounds much of the village to the south/east, that significant adverse long-term visual/landscape impacts have not been identified, that the site is not of particular significance to the form and character of the village and is well contained, well-related to the village, adjoins the settlement edge to the south and west and has established and defensible boundaries. Other than its position beyond the settlement confines, and with appropriate safeguards in place, development of this site would not conflict with criteria A-F of Policy R1 of the JCS 2014.
- 11.5 Also carrying weight in support of the proposal are the contributions towards improvements to the PROW providing an enhanced route to the village centre and schools from the east of the village; the new area of publicly accessible open space to be provided; biodiversity net gains to be delivered and the economic benefits of development.
- 11.6 Of more limited weight are the improvements that will be delivered to public transport infrastructure.
- 11.7 Overall, this is a very finely balanced case. However, having weighed up the above, it is considered that there are material planning considerations in this case that would outweigh the acknowledged conflict with the development plan.
- 11.8 Having regard to the three over-arching objectives to achieving sustainable development set out in the NPPF⁹ the balance weighs in favour of the development being sustainable development.

12. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS/ADDITIONS/DELETIONS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**

⁹ An economic objective; a social objective and an environmental objective

2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 50% affordable housing on site split between rented and intermediate products in accordance with policy LH8 and LH10 of the Part 2 Local Plan.
- b) Payment of a financial contribution towards provision and maintenance of off-site playing fields in the locality of circa £924.70 per dwelling.
- c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £70 per dwelling (index linked)
- d) Payment of a financial contribution towards primary education infrastructure serving Middleton Cheney of circa £238,320 (final amount dependent on dwelling mix) (index linked).
- e) Payment of a financial contribution towards early years services serving Middleton Cheney of circa £238,320 (final amount dependent on dwelling mix) (index linked).
- f) Payment of a financial contribution towards library infrastructure serving Middleton Cheney of circa £14,340 (index linked) (depending on final mix)
- g) Payment of a financial contribution towards primary health care provision serving Middleton Cheney of circa £30,504.28 (index linked)
- h) Provision of two bus shelters serving existing bus stops on Main Road, together with bus stop poles with integral timetable cases, flags and real time displays and payment of a commuted maintenance sum
- i) Provision of 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).
- j) Financial contribution to cover the cost of a Traffic Regulation Order in order to relocate the 30 Mph speed limit along Waters Lane
- k) Provision of directional cycle route signage at the junction of Waters Lane and Main Road.
- l) Payment of £66,250 (index linked) to fund improvements to Public Right of Way no AU15 consisting of the removal of the stile at the Waters Lane end and surfacing with a bound surface. In the event that these improvements cannot be delivered the contribution would be put towards other health and well-being initiatives in the area.
- m) Provision and maintenance arrangements of on-site play space and amenity space including commuted maintenance sums where necessary.
- n) Payment of a financial contribution towards the off-site provision and/or enhancement of allotments in Middleton Cheney of £3,574.77 (index linked)
- o) Measures to secure the offering of additional land to extend neighbouring gardens as shown on the submitted Parameter Plans.
- p) Payment of the Council's monitoring costs of £5000

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.

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

Approved Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

Drg No CAT 114 1001 - Site Location Plan (February 2020)
Drg No 21074-01 C - Proposed Site Access (received 3rd June 2020)
Drg No 21074-3 - Terminal Signs Relocation (received 3rd June 2020)
Drg No CAT 114 3503 - Development Parameters (June 2020)

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

Provision of Bungalows

3. At least 5% of the dwellings hereby approved shall be bungalows.

Reason: To meet significant demand for bungalows in accordance with Policy LH10 of the adopted South Northamptonshire Local Plan (Part 2).

Accessibility Standards

4. 50% of the dwellings approved shall be constructed to meet the optional accessibility standards set out in Part M of the Building Regulations. The accessibility standards are as follows:
 - Accessibility Category 1: Mandatory requirement – the current Building Regulation standard
 - Accessibility Category 2: Accessible and adaptable dwellings – Optional
 - Accessibility Category 3: Wheelchair user dwellings – Optional

For open market dwellings the following shall be achieved;50% of dwellings

units to Category 1 and 50% of dwellings to Category 2.
For affordable dwellings the following shall be achieved; 50% of Intermediate tenure dwellings to Category 1; 50% of Intermediate tenure dwellings to Category 2; 50% of rented dwellings to Category 1; 40% of rented dwellings Category and 10% of rented units to Category 3.

Reason: To secure high quality accessible homes to meet people's changing circumstances over their lifetime in accordance with Policy LH10 of the adopted South Northamptonshire Local Plan (Part 2).

Ecological Mitigations

5. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in section 6 of the Ecological Appraisal (Report Ref: 1005596 EcoApp vf /JB/SS) by Aspect Ecology dated 12th February 2020 and Technical Briefing Note: Biodiversity Impact Assessment Using the DEFRA Biodiversity Metric 2.0 Biodiversity Impact Assessment Calculator, by Aspect Ecology dated March 2020, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Native Planting

6. All species used in the landscaping and planting proposals associated with the development shall be native species of UK provenance.

Reason : To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

Bird Nesting Season

7. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason : To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

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

Reserved Matters

8. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Finished Levels

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

Reason : In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Method Statement

10. No development shall take place including any works of demolition until a Construction Method Statement including a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) Full details of the routing of all construction traffic to and from the site; these details shall cover both the strategic road network and the local road network and be provided on either an A3 or A4 size map to be given out to all construction traffic drivers to ensure that only the agreed routes are used by the construction traffic. HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) road sweeping and carriageway cleansing;
 - g) Measures and/or Protocols to control and manage the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Full details of the days and hours of operation of the site – including delivery, demolition and construction working hours;

- j) The mitigation measures recommended at section 6 of the Ecological Appraisal (Report Ref: 1005596 EcoApp vf /JB/SS) by Aspect Ecology dated 12th February 2020 and Technical Briefing Note: Biodiversity Impact Assessment Using the DEFRA Biodiversity Metric 2.0 Biodiversity Impact Assessment Calculator, by Aspect Ecology dated March 2020.

The approved Construction Method Statement and Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Sustainable Development Measures

11. No development shall take place until details of all sustainable development measures to be taken in the construction of the homes hereby approved have been submitted to and approved in writing by the Local Planning Authority. These should detail how the development will achieve the following;
1. High standards of sustainable design
 2. Improved environmental performance and energy efficiency
 3. Use of sustainably sourced materials
 4. Maximise use of energy needs from renewable or low carbon sources
 5. Minimise resource demand and waste generation
 6. Maximise use of solar gain, passive heating and cooling, natural light and ventilation
 7. Maximise water efficiency

Reason: The overall aim of the adopted West Northants Joint Core Strategy is to deliver sustainable development. Fundamental to achieving this aim is the contribution West Northamptonshire can make to address the local causes and potential impacts of climate change. This aim reflects national planning policy in the NPPF and is reflected in policies S10 and S11 of the adopted West Northants Joint Core Strategy. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Access Details

12. No development shall take place until a full set of engineering drawings detailing the proposed ground levels, access gradient, construction, materials, surfacing and drainage details of the proposed site access have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety, to comply with Policy SS2 of the

South Northamptonshire Local Plan (Part 2) and Government guidance in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Highway Improvements

13. No development shall take place until the carriageway widening of Waters Lane and the footway along the site frontage, and continuing along Waters Lane as shown on the approved Drawing No 21074-01 Rev C has been provided in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Contaminated Land

14. No part of the development hereby permitted shall take place until:
- (a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
 - (b) the risks to receptors and to inform the remediation strategy proposals have been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
 - (c) both (a) and (b) above has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2) Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2).

Tree Protection

16. No development shall take place until the existing tree(s) to be retained as shown on the approval of reserved matters have been protected in accordance with a Tree Protection Plan which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The Tree Protection Plan shall accord with the principles of BS5837. Any barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by any barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies SS2 and NE4 of the South Northamptonshire Local Plan (Part 2) and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Fire Hydrants

17. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason : To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

External Lighting

18. Details of all external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by

the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents, to safeguard the visual amenities of the area and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policies SS2 and NE5 of the South Northamptonshire Local Plan (Part 2) and Government advice in The National Planning Policy Framework.

Ecological Survey

19. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

Surface Water Drainage

20. Before above ground construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include:
- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
 - b) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings.
 - c) Infiltration test results to BRE365
 - d) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF, Policy BN7 of the Core Strategy for West Northamptonshire and Policy SS2 of the South Northamptonshire Local Plan (Part2) by ensuring the

satisfactory means of surface water attenuation and discharge from the site

Maintenance of Surface Water Drainage

21. No above ground construction shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

Maintenance of Highway

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

Reason: In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance in the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

Contaminated Land – Remediation

23. If remedial works have been identified in condition 14 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2).

Visibility Splays

24. Prior to the first occupation of the proposed development inter- vehicular visibility splays of 2.4m from the carriageway edge along the centre of the access by a distance of 43m measured from the centre of the access along the carriageway edge shall be provided. Any features within or affecting the resultant triangular areas shall not exceed 0.6m above access/carriageway level. The land over which these splays fall must be either in the ownership of the developer, or the local highway authority; no third party owned land may fall within these splays.

Reason: In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance in the National Planning Policy Framework

Provision of High-Speed Broadband

25. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high-speed broadband (no less than 100mbs).

Reason : To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework and Policy SS2 of the South Northamptonshire Local Plan (Part 2).

Speed Limit Terminal Signs

26. No dwelling hereby approved shall be occupied until the Speed Limit Terminal Signs have been relocated in accordance with Drg No 21074-3 - (received 3rd June 2020).

Reason: In the interests of highway safety, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance in the National Planning Policy Framework.

Electrical Vehicle Charging

27. No dwelling hereby permitted shall be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling.

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan (Part 2) and to maximise opportunities for sustainable transport modes in

accordance with paragraph 110(e) of the National Planning Policy Framework.

Verification Report of the installed Surface Water Drainage System

28. No dwelling shall be occupied until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment rev 2 ref AAC5596, dated 5th March 2020 prepared by RPS has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

Landscape and Ecology Management Plan (LEMP)

29. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

External Lighting

30. Notwithstanding the requirements of condition 18 no external lighting shall be installed within any public open space, ecology mitigation and/or biodiversity enhancement areas as may be identified under the subsequent approval of reserved matters.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy NE5 of the South Northamptonshire Local Plan (Part 2) and Government guidance contained within the National Planning Policy Framework.

Hours of Construction

31. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2).

Unidentified Contaminated Land

32. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan (Part 2).

CASE OFFICER: Clare Caldwell

TEL: 01327 322219