

<b>Case Officer:</b>	Tom Ansell		
<b>Applicant:</b>	Mr R Smith		
<b>Proposal:</b>	Detached single storey dwelling		
<b>Ward:</b>	Heyfords & Bugbrooke		
<b>Councillors:</b>	Cllr Phil Bignell & Cllr David Harries		
<b>Reason for Referral:</b>	Referred by Assistant Director for Planning and Economy for the following reasons: Application is contentious within the village with concerns being raised over the proposal's visual impact on the conservation area.		
<b>Expiry Date:</b>	8 May 2020	<b>Committee Date:</b>	3 December 2020

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## **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

### **Proposal**

The application seeks consent for the construction of a new single storey three-bedroom dwelling on a plot of land which sits to the south of Weedon Road, Nether Heyford, behind a dwelling known as 'Denbrook'.

### **Consultations**

The following consultees have raised **objections or have made observations** in respect of the application:

- NCC Highways (observations), Nether Heyford Parish Council (object),

The following consultees have raised **no objections** to the application:

- Building Control, SNC Environmental Health, Inland Waterways, The Ramblers Association, Environment Agency (observations raised for the benefit of the applicant), NCC Surface Water Drainage (no comments offered), SNC Heritage and Conservation

Over 20 letters of objection have been received (around 10 on the original plans and approximately the same number on the amended plans).

### **Planning Policy and Constraints**

The site is within the recently adopted settlement confines of Nether Heyford, a 'third category' Secondary Service Village (A) as designated by policy SS1 'The Settlement Hierarchy' in the Local Plan Part 2.

The site is adjacent to, but not within, the Nether Heyford Conservation Area, which flanks the south-eastern boundary of the site. A Grade II listed building '22 Furnace Lane' is located nearly 50m south-east of the site. There are a number of 'Other Significant Buildings' as designated by the adopted Conservation Area Appraisal and Management Plan for Nether Heyford in close proximity to the site, including Denbrook and 29 The Green. This document also identifies a Registered Village Green/Important Open Space, which the access to the site lies within.

The plot is also within an area of archaeological interest (Shrunken Village), is within 2km of a local wildlife site (Dovecote Meadow), and the north-western edge of the site is within a Flood Zone 2/top of a river bank as designated by the Environment Agency.

## **Conclusion**

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.

The key issues arising from the application details are:

- Principle of Development
- The visual impact of the development, including its impact on the significance of designated and non-designated heritage assets
- The impact of the development on amenities of both neighbouring properties and future occupiers of the proposed dwelling
- The impact of the development on highway safety
- Flood risks

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**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.**

**If approved, this development is liable to pay the Community Infrastructure Levy as set out in the South Northamptonshire Council Charging Schedule. Advice is available here – <https://www.southnorthants.gov.uk/info/174/community-infrastructure-levy-cil>**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is a plot of land a little under 1500m<sup>2</sup> in size (0.15ha), overgrown and rather unkempt in photographs taken in July 2020, although recently cleared of its vegetation according to recent photographs submitted by neighbours. The site is relatively level, sitting lower than the properties in Roberts Field which flank the site to the south-west, although a little higher than the Weedon Road and the single storey property known as Denbrook to the north.
- 1.2. The site is accessed via a narrow track which runs across the village green to the north-east of the site. The track narrows between the boundary of 29 The Green and Denbrook, before widening out into the site. The site is bordered by a mixture of red brick walls, timber fences and, to the north, a water course. Mature planting remains predominantly along the boundary of the site with the properties in Roberts Field to the south-west.
- 1.3. There is a mixture of architectural styles and finishes in the vicinity, with a variety of two-storey and single storey dwellings finished in white render, grey render, buff brick, red brick and ironstone with numerous roofing materials too (i.e. slate roofs, tiled roofs and thatch). Some of the nearby properties are notably historic, and others appear to be modern (i.e. post-war, 1960s/70s etc), with those in Roberts Fields a little more recent.

## 2. CONSTRAINTS

- 2.1. The application site is within the settlement confines of the village, flanks the conservation area, and is at a notably lower level than the dwellings behind it in Roberts Field. A flood-zone covers a small part of the site (albeit no part where built form is proposed), and the access traverses a village green/designated important open space.

## 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks consent for a single three-bedroom dwelling all on one level. The dwelling will have a U-shaped plan-form, with three rearward projecting gables, and will present a simple, symmetrical elevation to the front with a modest porch canopy.
- 3.2 Amended plans were received on 6<sup>th</sup> October 2020. The Council undertook a full reconsultation on these plans, including sending letters out to all neighbours and consultees, erecting a new site notice and publishing a new press advert. The amendments to the scheme are described as follows:
- Red line reduced in scale to only encompass land in the applicant's ownership (omitting the access track between the site and the road, which is in the ownership of Northampton County Council)
  - Block plan amended to show dwelling slightly repositioned (rotated and moved north) within the plot
  - Floor plan amended to show reduction in bedrooms from four to three
  - Elevations amended to reflect changes to the internal layout

## 4. RELEVANT PLANNING HISTORY

- 4.1. The site has been the subject of numerous planning applications between 2016 and the application before committee today.

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
<b>S/2016/0227/FUL</b>	<b>2 x one-and-a-half storey residential dwellings</b>	Refusal
<b>S/2016/2904/FUL</b>	<b>2 x one-and-a-half storey residential dwellings</b>	Refusal
<b>S/2017/2515/FUL</b>	<b>Two new dwellings</b>	Refusal (and appeal dismissed)
<b>S/2018/2611/FUL</b>	<b>Erection of a single dwelling</b>	Refusal

- 4.2 The appeal decision in 2017 was important as the Inspector's assessment considered not just the visual impact of the development on the character of the area, or the impact on neighbouring amenities, but also the principle of development. At that time the site was outside the settlement confines.
- 4.3 The Inspector found that the principle of development on this site was acceptable, insomuch that the settlement was identified (at that time) as being '*a sustainable location where further growth could be accommodated within the confines of the village boundary*', and that the development was effectively '*contained by residential development on all of its boundaries and as such is physically detached from the open countryside*'. The site is now within the settlement confines of the village.

- 4.4 The Inspector did, however, identify harm as being caused to the living conditions of the residents of Denbrook, and that *'significant harm'* was being caused to the character and appearance of the area, including the significance of the designated heritage asset (the conservation area), by virtue of the cramped nature of the scheme and its closer relationship to the lower density development along Weedon Road. The significance of the nearby listed building would be *'preserved'*, however, and the Inspector also found that the works to the access across the village green *'would preserve the character and appearance of the conservation area'*.
- 4.5 The scheme refused by the Inspector proposed two new two-storey dwellings. This is not comparable in scale to what is being proposed now; however, it is felt that some of the Inspector's conclusions are material considerations to which significant weight must be afforded in considering the acceptability of this scheme for one single storey dwelling.

## 5. PRE-APPLICATION DISCUSSIONS

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

<u>Pre App Ref.</u>	<u>Proposal</u>
P/2019/0046/PRW	Two-storey dwelling with detached double garage
P/2019/0133/PRM	Either a single storey dwelling <u>or</u> a one-and-a-half storey dwelling with detached single garage

- 5.2. The Council's responses to the above pre-applications were generally negative, citing similar concerns to the Inspector in respect of amenity impact on the bungalow known as 'Denbrook' as well as concerns about the size/footprint of the building resulting in the plot appearing cramped.
- 5.3. In respect of the single storey proposal, however, the Council's concerns revolved mainly around the design of the property, rather than its bulk/massing and impact on the neighbour. Officers described the design as being *'a collection of boxes / rooms attached to the building'* with *'no rational thought to how they connect or flow around the building'*. The design of the roof was described as being *'overly complicated'*.
- 5.4. Officers advised that *'a simpler design with a pitched roof and the use of gables'* would be more appropriate, and that the property should be smaller and *'of a more appropriate scale'* to the site. Officers concluded the report by advising that they *'do consider that a single storey dwelling on the site is appropriate'* but that the current design was not acceptable.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 5<sup>th</sup> November 2020 although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A number of comments have been raised by third parties in response to the reconsultation on the amended plans received on 6<sup>th</sup> October 2020. All of these responses have been airing objections or concerns to the proposal.
- 6.3. The comments raised by third parties are summarised as follows:

- The proposal does not enhance or preserve the appearance/character of the conservation area by virtue of its proximity to the edge of this heritage asset
- The building remains too large relative to 'Denbrook' despite being reduced from four to three bedrooms. Its height would allow its roof-space to be used in the future for more rooms, which could overlook gardens in Roberts Field and invade privacy.
- The building will be very visible from Weedon Road and will be built in non-conservation materials which will not enhance the area. The site should be treated comparably to a listed thatched dwelling (30 The Green) which has involved great scrutiny from the conservation officers.
- The building remains too close to buildings within Roberts Field and along Furnace Lane
- The narrow (2.9m wide) access into the proposed site cuts across driveways used by properties facing The Green, and will cut across an existing footpath and village green, resulting in harmful urbanisation of this part of the village.
- Emergency vehicles will not be able to access the plot.
- It is questioned why the site, which was previously the garden of a dwelling in the conservation area, is not part of the conservation area.
- The proximity of the building to the boundary of 22 Furnace Lane, close to old trees, risks causing damage due to construction/digging etc.
- There is a retaining wall within the site, which is unsafe and requires repairing, which the developer should be responsible for.
- The bungalow Denbrook has a side access which opens onto the access into the site, which could be dangerous.
- Heavy vehicles, particularly those involved in the construction of the dwelling, could fall into Denbrook if the retaining wall collapses (it is not very strong).
- There are concerns in respect of flooding, and water run off. A flood surge could flood Denbrook, given it is on lower land levels.
- A single three-bedroom property is unlikely to benefit the key groups of local people wishing to stay in the village (i.e. first time buyers or those retiring).

6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register. Please click here and navigate to 'Documents': <http://snc.planning-register.co.uk/plandisp.aspx?recno=106552>

## 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, using the link in paragraph 6.4 above.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. NETHER HEYFORD PARISH COUNCIL: **Object** – the application concerns a sensitive site which requires a proportionate development scheme. As proposed the

scheme is too large and the contemporary design is not appropriate for the site's context. The strip of land enabling access between the site and public highway is in separate legal ownership and should not be altered or excavated until appropriate agreements are put in place.

#### CONSULTEES

- 7.3. SNC HERITAGE AND CONSERVATION: **No objections** to amendments proposed.
- 7.4. NCC HIGHWAYS: **Observations** – the applicant has not demonstrated they can achieve pedestrian visibility as requested in previous comments (received 31<sup>st</sup> March 2020).
- 7.5. SNC BUILDING CONTROL: **No objection** – all surface water to soakaways, radon protection required.
- 7.6. SNC HEALTH AND ENVIRONMENTAL PROTECTION: **No adverse comments** subject to conditions – pre-commencement noise assessment condition requested (to protect new dwelling from noise from M1 motorway), unexpected contamination condition requested, construction management plan condition requested, provision of EV charging point condition requested.
- 7.7. INLAND WATERWAYS ASSOCIATION: **No objection**
- 7.8. RAMBLERS ASSOCIATION: **No objection** – a public footpath crosses the access drive but is clear of the proposed development.
- 7.9. ENVIRONMENT AGENCY: **No objections** – applicant's attention is drawn to the fact that an Environmental Permit is required for activities which meet specific criteria outlined within those comments [*Officer's comment: this will be added as an Informative to any decision issued by the Council*]
- 7.10. SURFACE WATER DRAINAGE: **No comments to offer** other than to refer to Standing Advice

#### **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 comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> 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 – Distribution of Development
- S10 – Sustainable Development Principles
- H1 – Housing Density and Mix and Type of Dwellings
- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- 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 – Residential Development Inside and Outside Settlement Confines
- HE1 – Significance of Heritage Assets
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- HE7 – Non-designated Heritage Assets

### 8.3. Other Material Planning Considerations

- Designated Neighbourhood Area (designated 27<sup>th</sup> February 2016)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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”)
- SNC Corporate Priorities - to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”.

## 9. APPRAISAL

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

- Principle of Development
- The visual impact of the development, including its impact on the significance of designated and non-designated heritage assets
- The impact of the development on amenities of both neighbouring properties and future occupiers of the proposed dwelling
- The impact of the development on highway safety
- Flood risks

#### Principle of Development

##### *Policy Context*

9.2. Policy SS1 of the LPP2 establishes Nether Heyford’s status as a Third Category ‘Secondary Service Village (A)’; one that is generally regarded as being a sustainable location for new development within the settlement confines.

9.3. Policy LH1(1.) of the LPP2 accepts the principle of new residential development within settlement confines where such development meets a range of criteria...

- a) It must provide an appropriate mix of dwellings in accordance with policy LH10 of this plan
- b) It must avoid harming the character of the area or not result in the loss of a public or private open space that contributes positively to the local character of the area (this includes residential gardens)

- c) It must not need substantial new infrastructure or other facilities to support it
- d) It must not displace an existing viable use such as an employment, leisure or community facility

### *Assessment*

- 9.4. Whilst under the 1997 Local Plan the site was outside the settlement confines of Nether Heyford it now lies within. Irrespective of this, the Inspector when dismissing the appeal for two dwellings on the site (S/2017/2515/FUL) had previously concluded that, even when the site was outside of the settlement confines, its development for residential purposes was considered to be acceptable by virtue of it now having a stronger relationship to the built form within the village than the open countryside. Nonetheless, the proposal is within the confines and therefore is acceptable in principle subject to compliance with LH1(1.).
- 9.5. As the scheme only proposes a single dwelling, it is not feasible to achieve a 'mix' as required by LH1(1.a.). However, a three-bedroom bungalow in this location is not considered to be inappropriate given the general scale and type of properties found in the immediate vicinity.
- 9.6. Compliance with LH1(1.b.) will be assessed in the following sections of the report. However, the Council finds that the scheme does not result in harm, and as such does not fail to comply with this part of the policy.
- 9.7. The proposal is located close to existing residential properties and is arguably close to the heart of the village. It will need no significant infrastructural works to facilitate its construction. It is noted that, for example, surface water and foul water drainage can be accommodated using existing mains infrastructure. The proposal complies with policy LH1(1.c.).
- 9.8. The site apparently formed part of an extensive garden belonging to a property on Furnace Lane, and has also been described by the Parish Council as a former orchard. It has been in a somewhat overgrown/untended state for a while. The proposal does not displace any uses described by LH1(1.d.).

### *Conclusion*

- 9.9. The proposal results in the sustainable development of a seemingly disused plot of land close to the heart (and facilities) of the settlement, within its confines. The scheme complies with policy LH1 (as will be explored in more depth below). As such, the Council finds the principle of development of the plot in the way proposed to be acceptable, and supportable.

### The visual impact of the development

#### *Legislative and policy context*

- 9.10. The site is adjacent to the Nether Heyford Conservation Area and there are listed buildings within reasonably close proximity (albeit generally considered to remain unaffected by any development on the land by virtue of separation distances and lack of inter-visibility).
- 9.11. Policy SS2 of the Local Plan Part 2 considers general development and design principles. SS1(1.a.) advises that development should maintain *'the individual identity of towns and villages and their distinct parts'*. It should also avoid *'the unacceptable*



*loss of undeveloped land, open spaces and locally important views' which are of particular significance to the form and character of a settlement.*

- 9.12. Policy SS1(1.b.) requires new development to use *'a design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details'*.
- 9.13. Policies HE1, HE5 and HE6 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.
- 9.14. Turning to legislation and national policy, 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.*
- 9.15. 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.
- 9.16. 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*

- 9.17. During the determination of appeal APP/Z2830/W/18/3194402, the Inspector assessed the surrounding area as residential in character, with development along Weedon Road consisting of *'well-spaced detached properties set in generous plots with active street frontages'*. The Inspector appreciated that *'there is some variation in plot sizes and building patterns in the locality'*, but also felt that the proposal *'would be seen principally in the context of Weedon Road where properties are more widely spaced'*.
- 9.18. This assessment was made on the basis of two much larger dwellings being proposed on the plot. This resulted in a loss of mature trees and landscaping within the site, and limited the space available for replacement tree planting. This loss of vegetation was felt to substantially alter the appearance of the site and erode its open aspect, creating a more 'built up' appearance.
- 9.19. The proposal before the Council is now for a significantly different scheme. This scheme proposes one bungalow positioned slightly towards the rear of the plot, with a ridge height of 6.2m (nearly 2m lower than the 2017 appeal scheme). The total ground floor footprint of one of the dwellings proposed in the 2017 scheme was 130sqm including the double garage, whereas the footprint of the bungalow is 180sqm (it was originally 164sqm, but the amended drawing increases this by 16sqm).

However, it should be noted that no other outbuildings or garaging are proposed. Therefore, despite the 16sqm increase in footprint, there is significantly less built form within the site compared to the most recently refused scheme.

- 9.20. The sectional drawing 2012.20 (received 7<sup>th</sup> July, albeit not showing the dwelling relative to its revised position within the plot) shows how the building's reduced ridge height effectively bridges the gap between the low ridge height of Denbrook, which has a close relationship to Weedon Road, and the higher (and elevated) ridge heights of the two-storey properties in Roberts Field. The building will not dominate the dwelling to the front and sits subserviently to the dwellings to the rear, which integrates it into the landscape quite well. As a result, the proposal is now felt to sit much more comfortably within the site, fitting in with the character established by the Inspector (i.e. of well-spaced detached properties sitting within spacious plots).
- 9.21. The Inspector previously concluded that *'the undeveloped nature of the land is in keeping with the character of the area'*. However, they also considered the plot to be *'contained by residential development on all of its boundaries'* and as such is now *'physically detached from the open countryside'*. Therefore, a further residential dwelling, particularly one which respects the scale of surrounding built form and which does not detract significantly from the openness of the site, is not felt to result in an unacceptable loss of open space that contributes positively to the appearance and character of the settlement.
- 9.22. Comments about the building's design and finish have been received by people concerned that its juxtaposition with the edge of the conservation area results in it detracting from the appearance/setting of this heritage asset. Some comments have aired concerns specifically about the building's proximity to the conservation area boundary, feeling that it should be further away. The impact on the conservation area was a fundamental reason for the previous scheme failing twice (i.e. with the Council and at appeal).
- 9.23. The design is not traditional, admittedly, but then the main vantage point from Weedon Road to the north/north-west will also include clear views of Denbrook, a modern buff brick bungalow of limited architectural significance, and 1 Weedon Road, a white rendered dwelling with peculiar proportions arising from what is assumed to be historic extensions. The variety of architecture visible from the main viewing point on Weedon Road therefore precludes the enforcement of a particular design approach.
- 9.24. Having said that, the building's slightly unusual form is complemented by a simple, traditional material palette of red bricks and slate. Red brick is found in the more historic boundary wall within the site (which is in need of repair), as well as on properties to the north-east of the site (25a and 25b The Green). Slate is also found on the roof of this nearby building, which is an 'Other Significant Building' in the adopted Conservation Area Appraisal and Management Plan.
- 9.25. Using these materials achieves an appropriate appearance which relates to these nearby significant buildings. When combined with its more muted scale and siting further back within the plot, lessening its impact on the site in terms of its openness and in terms of its relationship to Denbrook and the properties behind it, the Council cannot agree that the proposal results in significant harm to the setting of the conservation area, or the non-designated heritage assets identified in the Management Plan.
- 9.26. Furthermore, sufficient space now remains around the dwelling to achieve suitable planting to ensure the open, green appearance of the site which previously characterised it is not lost. However, it must be appreciated that none of the trees,

plants or hedges on the site were afforded any protection under planning regulations, and so could be (and might have been) removed without any notification.

### *Conclusion*

- 9.27. The scheme before the Council represents a significant improvement over the most recently refused proposal for a single two-storey dwelling and detached garage. The changes are felt to address the clear and unambiguous reasons the Inspector dismissed the previous proposal, and as such Officers consider there are no reasons to resist or refuse the current application.
- 9.28. Planning conditions can be used to ensure all significant/important details that will be crucial to ensuring the site is successfully redeveloped are submitted at the appropriate times. These conditions will include material samples, architectural detailing, landscaping, details of boundary treatments etc, and can be viewed at the end of this report.

### The impact of the development on neighbouring and future occupier amenities

#### *Policy*

- 9.29. Policy SS2(1.f.) requires new 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'*. It must also avoid harming the amenities of occupiers and users of neighbouring properties and the wider area through *'noise, odour, vibration, overshadowing'* and should not result in a loss of privacy, sunlight, daylight or outlook unless appropriate mitigation measures are proposed and secured.

#### *Assessment*

- 9.30. The previously refused layout positioned a two-storey dwelling very close to the boundary with Denbrook, a modest single storey bungalow on lower land than the site. The Inspector found that the siting and scale of plot 2, when combined with the higher ground levels, would result in the proposal *'dominating the outlook from this residential bungalow to the detriment of the living conditions of its residents'*.
- 9.31. This revised scheme, by virtue of its position within the plot and significantly reduced scale, is felt to address these concerns. A distance of 10m is maintained between the northern corner of the bungalow and the boundary of Denbrook to the north, and the openings within the new dwelling's principal elevation are in excess of 22m away from the rear-facing openings within Denbrook. While the new dwelling will be a noticeable addition to the plot behind Denbrook and will change its outlook, it will not 'dominate' or detract from the living conditions as previously described by the Inspector.
- 9.32. There are no habitable room windows facing south-west from within the proposed bungalow towards Roberts Field. At any rate, the difference in levels is such that these windows face onto the mature planting along the boundary and the soil behind it. A habitable room window facing south-east towards Furnace Lane looks onto the boundary treatments between the properties, and the windows facing north-west face into the dwelling's own plot. Officers note that neighbours have aired concerns about the new dwelling resulting in a loss of privacy. However, as the dwelling is single storey, there are no first-floor windows or rooflights which could introduce other potential sources of overlooking or harmful inter-visibility. Planning conditions can be used to prevent these being inserted as part of a loft conversion, to ensure amenities of neighbours can be assessed at the relevant time in the future, should this sort of development be sought.

- 9.33. It is noted that the internal layout of the dwelling is somewhat contrived, with a significant number of internal doorways and rooms which will benefit from very little, if any, natural light and will likely have to rely on artificial light for most of the year. These are not habitable rooms, however, and while the bedrooms are all of modest proportions, they benefit from sources of natural daylight which are not overlooked or require mitigation (i.e. obscure glazing). Similarly, the living and dining rooms benefit from openings facing both north-east and north-west.
- 9.34. The property is somewhat overlooked by properties in Roberts Field to the south-west. These properties are in an elevated position relative to the new dwelling, and as such their first-floor windows, which will likely serve at least one bedroom, achieve a reasonably direct view towards the site and the rear elevation of the dwelling. However, while the amenity space immediately to the rear of the dwelling is likely to be rather overlooked, the space to the north-west of the dwelling (facing the watercourse) is further away and angled such that views are not so direct. The distance from the rear elevations of properties in Roberts Fields to the area immediately north-west of the bungalow is over 22m, which exceeds the distances set out in the Council's Design Guide.
- 9.35. Finally, the Council notes the recommendation of the Environmental Protection officer that a noise assessment is submitted as a pre-commencement condition which addresses/mitigates the issue of noise coming from the M1. The site is 1.4km from the M1, which lies to the north-east, and between the site and the M1 are numerous existing residential properties as well as the settlement of Upper Heyford. While noise from the M1 is likely to be audible as a distant roar, which could be quite loud depending on the wind direction, it is felt disproportionate to require a pre-commencement noise assessment that considers specific mitigation for this issue. Consequently, this condition will not be imposed, as it is not felt to pass the necessary tests for conditions set out by the NPPF.

#### *Conclusion*

- 9.36. The Council is satisfied that the proposal will safeguard the amenities of existing and future occupiers of the surrounding dwellings and provides adequate amenities for the future occupiers of the new dwelling.

#### The impact of the development on highway safety

#### *Policy*

- 9.37. Policy SS2(1.c.) requires new development to provide '*an accessible, safe and inclusive environment*'. Policy SS2(1.j.) requires development to include a '*safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles)*'.

#### *Assessment*

- 9.38. The site has seemingly had a separate access for a long time. The plot of land is modest in size and not capable of sustaining a small holding or any significant agricultural use. The width of the access also naturally limited the scale and scope of machinery which could have driven onto the site. Having said that, the site's use as an agricultural paddock (or orchard) could have generated vehicular movements, with vehicles potentially larger or heavier than typical residential traffic.
- 9.39. The proposal is to use an existing point of access off Weedon Road, marked by a rough gravel/hard-core driveway used by other properties adjacent to the site, which becomes a grass strip closer to the site. There is no outright objection to using this

track to access a single dwelling from NCC Highways or the Council. It should be noted that no objection was raised in respect of two dwellings, and the Inspector assessed the merits of the access both in terms of highway safety and its visual impact in detail and found both to be acceptable, with the appeal as dismissed for other reasons.

- 9.40. However, the absence of an objection to the previous scheme was based on the expectation that the little-used track would be improved via the removal of the grass and its replacement with a hard surface material. These improvements are shown on the submitted block plan, but beyond the red line of the application site. This is reflected in a number of respondents raising that the widening of the access within the village green, the disruption of existing block paved accesses used by other dwellings and all other engineering works required to facilitate these improvements, are shown taking place on land not in the applicant's ownership or control.
- 9.41. However, whilst not in the red line of the application NCC Highways have confirmed that the proposed works are within highway land. The Council can use a condition to require improvements to take place on highway land.
- 9.42. The proposal provides off-road parking for three vehicles, complying with both NCC Highway's Standing Advice (June 2016) and the Council's adopted SPD on Parking Standards and Design.

#### *Conclusion*

- 9.43. Subject to the access between the site's entrance and the highway being improved as indicated on the block plan and in accordance with further details submitted to the Council prior to the dwelling's occupation, the proposal is considered to be acceptable in that it does not have an adverse impact on highway safety.

#### Flood risks

- 9.44. The Council notes that neither the Environment Agency, Inland Waterways Association nor the Surface Water Drainage team at NCC raise concerns or objections to the development. The built form and hard surfacing proposed will all be away from the part of the site in Flood Zone 2, and as such will not result in harm or an increased risk in flooding. The Council can use a planning condition to prevent the erection of any outbuildings within the curtilage of the dwelling to avoid the protected area being constructed over.

#### HUMAN RIGHTS AND EQUALITIES

- 9.45. Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.
- 9.46. 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 The Community Infrastructure Levy (CIL) is a set charge that must be paid if planning permission is granted for a new house (or houses) or for a home extension or retail development of over 100 sqm. The CIL helps to fund a range of infrastructure that is

needed as a result of new development (e.g. road schemes, schools and community facilities). Reliefs and exemptions are available.

10.2 This development, if approved, is liable to pay the Community Infrastructure Levy as set out in the South Northamptonshire Council Charging Schedule.

10.3 For further information relating to CIL please visit:

<https://www.southnorthants.gov.uk/info/174/community-infrastructure-levy-cil/>

## 11. PLANNING BALANCE AND CONCLUSION

11.1. Following pre-application advice and further tweaks to the design throughout this application process, the Council is satisfied that the proposal now complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be acceptable development sited in a sustainable location. Having had regard for all relevant planning matters, there are no other material considerations that dictate otherwise, and so in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 12. RECOMMENDATION

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

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Flood Risk Assessment prepared by JPP Consulting Civil & Structural Engineers, dated May 2017 and received 13<sup>th</sup> March 2020
- 2012.10A 'Location Plan' received 6<sup>th</sup> October 2020
- 2355.9a 'Block Plan' received 6<sup>th</sup> October 2020
- 2355.10a 'Elevations & Floor Plan' received 6<sup>th</sup> October 2020

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

#### **Construction Management Plan**

3. Prior to the commencement of development, including any site clearance,

groundworks or construction, a Construction Management Plan (CMP) - to manage the impacts of construction during the life of the works - shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- I. the parking of vehicles of site operatives and visitors;
- II. loading and unloading of plant and materials, and how larger vehicles using the access with School Lane will be managed
- III. storage of plant and materials used in constructing the development;
- IV. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V. wheel washing facilities;
- VI. measures to control fugitive dust from earthworks and construction activities
- VII. a scheme for recycling/disposing of waste resulting from demolition and construction works
- VIII. a noise control plan which details hours of operation and proposed mitigation measures

The details so approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason : To protect the amenity of local residents from potential impacts whilst demolition, site clearance, groundworks and construction is underway, in compliance with Policy SS2 of the South Northamptonshire Local Plan.

#### **Finished Floor Levels**

4. No development shall take place until details of all finished floor levels relative to all surrounding properties 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 and the amenities of the adjoining properties in accordance with Policy SS2 of the South Northamptonshire Local Plan.

#### **Brick Sample Panel**

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

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Roofing Materials**

6. Samples of the slates to be used in the covering of the roof of the dwelling (including ridge tiles) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 of the South Northamptonshire Local Plan.

#### **Architectural Detailing**

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

Reason : In order to safeguard the visual amenities of the conservation area and the significance of the heritage asset in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy BN5 of the West Northamptonshire Joint Core Strategy.

#### **Meter Boxes**

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

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

#### **Unexpected Contamination**

9. If, during development, contamination 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, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

#### **Landscaping Scheme**

10. No occupation of the development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:



- a. details of any proposed tree, shrub and hedge planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b. details of all existing trees and hedgerows to be retained and how these will be protected from the development (specifically the mature planting along the south-western boundary with properties in Roberts Field),
- c. details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps, access and parking
- d. details of all boundary treatments,

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

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development, visual amenity and to provide an adequate parking provision for the dwelling, to accord with Policy SS2 of the South Northamptonshire Local Plan.

#### **Access**

11. No occupation of the dwelling hereby permitted shall take place until improvements to the access track between the site's entrance and Weedon Road as indicated on the approved plan 2355/9b received by the Local Planning Authority on 6th October 2020, or in accordance with alternative plans that have been first submitted to and approved in writing by the Local Planning Authority, have been completed

Reason : To accord with Government Guidance in Section 12 of the National Planning Policy Framework and Policy SS2 of the South Northamptonshire Local Plan which requires that development shall have a satisfactory means of access and in the interests of highway safety and the convenience of users of the adjoining highway. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Refuse Storage**

12. Notwithstanding the details shown on the approved plans, no occupation of the development shall take place until details of all refuse storage facilities and locations have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be provided in accordance with the approved details before the building to which they relate is first occupied.

Reason: In order that proper arrangements are made for the storage and disposal of waste in the interests of well-planned development and in accordance with Policy SS2 of the South Northamptonshire Local Plan.

#### **EV Charging Points**

13. 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 to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

#### **Maintenance of Planting**

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

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy SS2 of the South Northamptonshire Local Plan.

#### **Removal of PD Rights [Extensions]**

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

Reason : Taking into account the character of the site and the sensitivity of the site's surroundings it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected and that visual amenity is conserved in accordance with Policies SS2 and HE6 of the South Northamptonshire Local Plan and Sections 12 and 16 of the National Planning Policy Framework.

#### **Removal of PD Rights [outbuildings]**

16. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure, including oil or LPG storage tanks, shall be erected or placed within the curtilage of the dwelling hereby permitted without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area and amenities of the neighbouring properties and to avoid uncontrolled development within a Flood Zone 2 in accordance with Policy SS2 and HE6 of the South Northamptonshire Local Plan.

#### **Removal of PD Rights [solar panels]**

17. Notwithstanding the provisions of Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no solar PV or solar thermal equipment shall be installed on the north-eastern roof elevation of the proposed dwelling or on any building within its curtilage without the prior planning permission of the Local Planning Authority.

Reason : To protect the character of the area in accordance with Policies SS2 of the South Northamptonshire Local Plan.

**Removal of PD Rights [fencing]**

18. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in any location around the dwellinghouse, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain the open, rural character of the area and street scene in accordance with Policy SS2 of the South Northamptonshire Local Plan.

**INFORMATIVE – Environmental Permit Needed**

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.