

Case Officer:	Ashley Bidwell		
Applicant:	Hopewell		
Proposal:	Outline application (access included) for a rural exception site single dwelling		
Ward:	Blakesley & Cote		
Councillors:	Cllr Roger Clarke & Cllr Sandi Smallman		
Reason for Referral:	Called in by Councillor Smallman for the following reasons: the development is outside village confines and in a sensitive location and should be carefully considered before determination.		
Expiry Date:	19 November 2020	Expiry Date:	19 November 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The proposed development is for the erection of a single plot exception site on the paddock land adjoining Blakesley Village Hall. All matters save for the access are reserved for future determination.

Consultations

The following consultees have raised **objections and/or commented** on the application:

- Blakesley Parish Council
- NCC Highways
- SNC Strategic Housing
- SNC Environmental Protection
- NCC Archaeology
- SNC Planning Policy
- SNC Ecology
- SNC Conservation
- Nature Space Partnership

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

- SNC Building Control

The following consultees have raised **no comments** for the application:

- Natural England
- Northants and Beds Wildlife Trust
- Recreation and Leisure
- Waste and Recycling

10 letters of **objection** (9 objection and 1 comment) have been received and 0 letters of support have been received.

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
- Impact on the character of the area and the setting of Listed Building and Conservation Area.
- Residential amenity
- Archaeology Impact
- Ecology impact
- Highway safety

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

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 is located on the edge of the paddock land adjacent to Blakesley Village Hall. This site is at the eastern entrance to Blakesley village (Greens Norton side). The site and the adjoining proposed site for a Self-Build dwelling are proposed to be accessed from the same private road that serves the village hall. The site is set at a higher level than the access road and backs onto other residential properties to the west. The site adjoins the edge of the Blakesley village confines and is adjacent to Blakesley Conservation Area.

2. CONSTRAINTS

- 2.1. Outside village confines – but adjoins to the eastern edge.
- 2.2. Adjacent to Blakesley Conservation Area.
- 2.3. Affects the setting of Listed Buildings
- 2.4. Identified as an area with a high chance of Great Crested Newts being present
- 2.5. Area of possible Archaeological interest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposed development is the erection of a self-build dwelling on the Paddock Land adjoining Blakesley Village Hall. All matters other than access are reserved for future determination.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
S/2009/0110/P	New village hall	Approved
S/2010/1552/FUL	Amended scheme (S/2009/0110/P) to include new porch, extra French door and roof lights.	Approved
S/2015/0982/OUT	Residential development of 9no 2, 3 & 4 bedroom dwellings with ancillary road & drainage works. (outline)	Withdrawn

5. PRE-APPLICATION DISCUSSIONS

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

<u>Pre. App Ref.</u>	<u>Proposal</u>
P/2019/0249/PRM	Proposed residential development of 3 houses.

5.2. *Summary of response:*

The site location plan was a larger site. It covered the whole paddock site, to the south of Hillcroft, up to the rear of the dwellings on Hillcroft View and up to the Tennis Court and Village Hall car park to the south.

The site is outside the village confines. The proposal is not considered to be compliant with policies S1 or H1 of the JCS. Subject to a Housing Needs Assessment and an acceptable design, given the site adjoins the main built up area of the village it would be possible to promote the scheme as a rural exception site, compliant with policy H3 of the JCS. If a scheme is compliant with policy H3, or the exceptions introduced in the new Part 2 Local Plan, the proposal would meet JCS policy R1 in my view which permits development outside village boundaries in exceptional circumstances where it will enhance or maintain the vitality of rural communities. The final part of policy R1 is engaged as the Council has met its housing requirements. It is considered that the development could meet criteria (I) as environmental improvements could be achieved and a rural exception site could meet criterion (IV).

Paragraphs 71, 77, 78 and 117 of the NPPF supports housing development to meet local housing needs. Paragraph 71 introduces 'entry level exception sites' suitable for first-time buyers. The site could meet the entry level exception site requirements.

Policy LH1 of the Part 2 Local Plan permits new residential development outside village confines in certain situations. Policy LH2 is not supportive of a development of starter homes on the site as it is not underused or unviable industrial or commercial land.

The development of a single exception plot could be promoted through policy LH3 if the policy criteria are met. A single self or custom build site could also be promoted under LH5 if they meet demand as demonstrated by Part 1 of the Council's Self and Custom Housebuilding Register, and are compliant with other policies of the Plan. There is a current general requirement for between 7 and 11 self-build plots in the District. With developments promoted under policies LH3 and LH5, it would be necessary to meet the requirements of policy R1.

The NPPF, Policy R1 of the JCS and LH1 and SDP1 of the Part 2 Local Plan place significant importance on good design. The site is a little detached from the main built form of the village but the access road and hedge serving the village hall have also separated the site from the surrounding countryside. The site is more closely related to the village than the countryside in my view. Any scheme would need to reflect the transitory nature of the site. The levels on site present an additional challenge, particularly when the site is viewed from the main road. An insensitive scheme could appear overly dominant and imposing on the highway, resulting in a harmful gateway feature to the village. No detailed designs have been submitted for comment. No particular concerns have been raised by the Conservation Officer.

There are existing residential properties to the north and west. The Design Guide specifies amenity standards of a minimum distance of 18m between habitable rooms and overshadowing and overbearing are also considerations. There is also potential disturbance for future residents of any development from the village hall (parties, sports and community events). Any residential development proposal will be required to demonstrate that it will be compatible with these activities. The site access off the village hall access road should be discussed with NCC Highways, to determine if any upgrades will be required. On plot parking is required in accordance with the Parking SPD.

Recommend that you consult with NCC Archaeology to see if any archaeological investigations will be required.

Recommend further pre-application discussion once detailed designs are prepared.

OFFICER NOTE: Since the pre-application advice was issued, the Development Plan has changed, and the Part 2 Local Plan has been adopted.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and a press notice. The final date for comments was 30th May 2020 although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- A total of 18 comments (17 Objections and 1 comment) have been received by residents of the village outlining the following issues:
 - Outside village confines
 - Set precedent for development on remainder of field
 - Highway safety – site boundary is up to the edge of the road meaning pedestrians are forced into the road.
 - Access – pedestrian access should be from the street, increase traffic onto the village hall access which is already dangerous, congestion, access road is private road for the pre-school and village hall, opposite the Poplars Close entrance and field/stables entrance, 150 yards from School, access is a private road. Cars often park on the village hall access road and main road. Public footpath crosses the access.
 - Amenity impacts – overbearing to the north, invasion of privacy and overlooking to Hillcroft bungalow.
 - Design/Character – edge of village location not sympathetic to local character, backland development, village hall countryside character would be lost, approach from Greens Norton is the main entry to the village and development would change the first impression of the settlement, due to land levels scheme would be overly dominant.

- Design Guide – requires building to front the street and provide an active frontage
- Density – should be minimal to sustain the village feel
- Views – obstruct views from village hall and dwellings on Hillcroft view
- Housing Supply – no need for additional housing, JCS policy R1 not met
- Noise – noise from village hall may impact new dwellings, noise already impacts Hillcroft View
- Heritage impact – impact on the Conservation Area, listed buildings
- Tennis Courts – should remain untouched
- Schools - already oversubscribed
- Public footpaths – spoil views from walks to/from Bradden
- Ecology – Barn owls, bats, red kites and badgers use the site
- Public engagement – no consultation with village

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 COUNCIL

7.2. BLAKESLEY PARISH COUNCIL: **object** on the grounds that it is development outside village confines and contrary to Parish Council and SNC policy.

CONSULTEES

7.3. SNC STRATEGIC HOUSING: **Object**. The applicant has provided insufficient information to establish that they are unable to access a suitable home currently available on the open market in the parish. The applicant has also provided insufficient information to demonstrate that they have a strong local connection to the parish.

7.4. NCC HIGHWAYS: **object** on the grounds that the Village Hall access road is unsuitable for residential use and needs upgrading.

Further comments received in relation to the Technical Note submitted. Revised plans required, fundamental issue that a private dwelling cannot share access with a public building. The private driveway should be brought up to adoptable standard via a shared surface carriageway. Turning head required to be provided at the furthest extent of the shared surface to accommodate a refuse vehicle. Footpath on Greens Norton Road required to allow pedestrian access to the village.

7.5. NORTHANTS POLICE CPDA: **Comment**. Advice regarding security standards, intruder alarms and layout (rear boundaries conterminous and not left exposed and all parking within sight of ground floor routinely inhabited rooms).

7.6. SNC CONSERVATION: **Comment**. Setting of Grade II stone threshing barn and brick outbuildings. Development of this land would further diminish the listed barns links with the countryside and alter its setting. Less than substantial harm to setting which makes a limited contribution to overall significance.

- 7.7. SNC BUILDING CONTROL: **No objection.** Radon protection required. Surface water to soakaway. Fire vehicle access required.
- 7.8. SNC ENVIRONMENTAL HEALTH: **Comments** (following submission of amended noise assessment). Amended report is sufficient, it has addressed whether the use of the Village Hall in 'normal times' as opposed to pandemic times would cause a disturbance for these properties, e.g. car doors slamming at midnight type of noises, which cannot be controlled through our environmental legislation. Moreover, it has outlined suitable mitigation in the form of improved double glazing with vents for ventilation.
- 7.9. SNC ECOLOGY: **Objection.** The Preliminary Ecological Assessment notes the need for a further survey for GCN (paras 4.5-4.7) which has not been submitted and so a full mitigation strategy is not provided. The other elements of the Assessment are acceptable and appropriate mitigation measures are recommended.

OFFICER NOTE: Nature Space have been approached since the submission of these comments, this will be pursued further in any reserved matters application.

- 7.10. NATURE SPACE PARTNERSHIP: **Comments** regarding the use of the Councils licence for great crested newts and the implementation of three conditions.
- 7.11. NCC ARCHAEOLOGY: **Condition required** regarding archaeological work
- 7.12. SNC PLANNING POLICY: **Comment.** Policies LH1 and LH5 are relevant and LH5 (3-5) need to be complied with. The relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout and that the legal definition is achieved, including, in this instance, that the land can be provided with access to a public highway and connections for electricity, water and waste water within a specified period. No entries on either Part 1 or Part 2 register specify Blakesley as a preferred location for self-build purposes; however, it is acknowledged that a number of entries are more general in their locational requirements. A legal agreement is necessary to secure a policy compliant occupancy of the dwelling as a self-build scheme.

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 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 – Distribution of Development
- S10 – Sustainable Development Principles

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
- LH3 – Entry Level Exception Sites
- HE1 – Significance of Heritage Assets
- HE2 – Scheduled Ancient Monuments & Archaeology
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- NE5 – Biodiversity and Geodiversity

8.3. Other Material Planning Considerations

- 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
- Impact on the character of the area and the setting of Listed Building and Conservation Area.
- Residential amenity
- Archaeology Impact
- Ecology impact
- Highway safety

Principle of Development

Policy Context

9.2. The key development plan policies for this application are those contained within the South Northamptonshire Local Plan Part 2 (Part 2 LP) 2020.

9.3. This plan was adopted in July 2020 and replaces Saved Policies from the 1997 Local Plan. The Part 2 LP establishes a new settlement hierarchy and settlement confines for the District as well as a range of general development management policies used to determine proposals. The proposal was considered a departure from the development plan when submitted due to its outside of the settlement confines siting. However, the Part 2 LP has since been adopted which allows for single plot exception sites on the edge of Rural Service Centres and, Primary, Secondary (A & B) and Small villages under policy LH3 where:

- a. *“The proposal is for low cost home ownership and:*
- i. the applicant can demonstrate that they are unable to access a suitable home currently available on the open market in the parish; and*
 - ii. the applicant has an evidenced strong local connection to the parish where the new dwelling is proposed; and*
 - iii. the dwelling meets the council’s current definition of affordable housing and will remain affordable in perpetuity”*

The policy goes on to express that *“In order to ensure that dwellings on exception sites remain affordable in perpetuity planning permissions relating to such sites may include conditions which restrict permitted development rights relating to extensions”*.

- 9.4. Policy LH3 for Single plot exception sites aims to complement policy H3 of the Joint Core Strategy and policy LH5 (also from the Part 2 LP), to help provide a solution for individual households to build their own home to meet their own housing needs. This policy approach is intended for those people who have a strong local connection to a specific area of the district and whose needs cannot be met, either due to affordability or the need for specialist accommodation to meet a medical requirement.

Assessment

- 9.5. The application has provided a limited justification/evidence in the planning statement to express that there are no other affordable dwellings in the area. SNC Strategic Housing have objected on this basis. Officers are inclined to agree, however, due to the outline nature of the application the acceptability is only assessed in principle and the justification/evidence would be submitted at the reserved matters stage should outline consent be granted.
- 9.6. The application also fails to provide evidence that the applicant has a clear local connection, however, details of this would be subject to the subsequent reserved matters application and to a legal agreement that would secure the occupancy, similar to the adjacent plot for the Self-Build dwelling (on this agenda under S/2020/0642/OUT).
- 9.7. The scale of the dwelling is undetermined at this stage, however, the indicative layout plan shows that it is similar as the adjacent Self-Build dwelling. The future reserved matters application should be restricted to a two bedroom or a small three bedroom property at most to be classed as ‘affordable’. This will be conditioned along with the removal of permitted development rights for extensions, to ensure the dwelling remains affordable for future occupiers.

Conclusion

- 9.8. The development is considered to be acceptable as a matter of principle, lying as it does, adjoining the designated settlement confines for Blakesley in the adopted Part 2 LP, thus in accordance with the criteria of policy LH3 and subject to the legal agreement being completed that provides that local connection criteria. Other matters including appearance, scale, layout and landscaping are reserved for a later stage.

Impact on the character of the area and the setting of Listed Building and Conservation Area.

Policy context

- 9.9. The site affects the setting of a Conservation Area and a number of Grade II listed buildings.
- 9.10. 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.*
- 9.11. 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.
- 9.12. 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.
- 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. Policy SS2 of the Part 2 LP requires 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

- 9.15. The application is in outline with layout and scale reserved for future determination. Nevertheless, an indicative layout plan was submitted to demonstrate how the dwelling and the adjoining site could be arranged. The indicative plan shows that the site and the adjoining site can accommodate a dwelling each. However, it does not aid in assessing the impact to the wider area.
- 9.16. As the proposal is only in outline form, the principle and indicative siting is all that can be fully assessed. The proposed site is located outside of the designated Special Landscape Area. However, it impacts the setting of the conservation area, and due to the siting of the plot on an elevated parcel of land, it has the potential to be prominent when entering the village from the eastern approach (Greens Norton). That being said, it is well connected to, and could be read as, part of the established village. It is bordered by existing residential development and is not isolated.

- 9.17. This plot has the potential to be more prominent than the adjacent plot for the Self-Build dwelling due to its proximity to the edge of the paddock. It may be more prominent when entering the village from Greens Norton approach, this adds further reasoning as to why the development will be conditioned to be restricted to a two bedroom or small three bedroom, single storey property as outlined in paragraph 9.7 above to reduce the impact on the character of the area further and should members agree with the recommendation, a condition will be imposed accordingly. A future reserved matters application will fully assess the proposed appearance (design & materials), scale (mass), layout and landscaping.
- 9.18. As outlined by the SNC Conservation Officer, the proposed development has the potential to impact the significance and character of the nearby listed buildings. However, this is said to be a less than substantial harm and thus a suitable design along with the inclusion of sufficient screening and suitable materials will ensure the character and significance of the listed buildings is maintained.

Conclusion

- 9.19. Officers are satisfied that subject to suitable design, scale and layout, the proposed development can maintain the character of the area along with the setting of the Listed Buildings and Conservation Area to the North of the site. The proposal therefore complies with Policies SS2, HE1, HE5 and HE6 of the Part 2 LP.

Residential impact

Policy context

- 9.20. Criterion F of policy SS2 from the Part 2 LP outlines that *“Planning permission will be granted where the proposed development will 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 will 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”*.
- 9.21. Moreover, chapter 4.7 of the Council’s adopted Design Guide adds further detail to the minimum separation distances between facing windows, minimum garden depths and which rooms are classed as ‘Primary living areas’.

Assessment

- 9.22. Notwithstanding the outline form of the application, an indicative layout sought to demonstrate that the proposed dwelling can be comfortably sited next to the adjacent proposed development, which is also on this agenda under S/2020/0642/OUT. Additionally, the indicative layout should demonstrate that the proposed development would not have an overbearing impact on nearby residential properties.
- 9.23. Plot 1 as it is identified on the submitted indicative plan, (Plot 2 is application S/2020/0642/OUT), meets the minimum garden size for a new dwelling. Additionally, it is set further away from the nearest neighbouring property than plot 2 and thus far in excess of the minimum separation distances set out in the Design Guide. It is therefore considered that the proposed dwelling will preserve light and privacy amenity for the neighbouring properties. However, the restriction to a two bedroom property or a small three bedroom will ensure the bulk and mass of the property is kept to a minimum and thus ensure the amenities of the neighbouring properties are further protected.

Conclusion

- 9.24. Due to the separation there is scope for the construction of a dwelling in this plot that will maintain the amenities of the closest neighbouring property. As the appearance and scale of the property, that will include its height, design and fenestration are reserved for future determination, the application can only be assessed in principle. It is considered that the proposed development accords with policy SS2(f) from the Part 2 LP and chapter 4.7 of the adopted Design Guide.

Archaeology Impact

Assessment

- 9.25. Policy HE2 of the Part 2 Local Plan and Policy BN5 of the JCS outlines that development will not be permitted if it harms archaeological remains, with proposals that potentially have an impact in this regard required to be assessed with an appropriate desk-based assessment and, where necessary, a field assessment. This requirement is reiterated in paragraph 189 of the NPPF.
- 9.26. NCC Archaeology highlighted that there is potential for archaeological remains to survive on the application site, consequently they have requested two conditions to be implemented. The first for a Written Scheme of Investigation and the second is for a follow up Archaeological Report that outlines the findings, if any, of the Archaeological investigation. The proposal therefore complies with Policy HE2 of Part 2 LP.

Ecology Impact

Legislative context

- 9.27. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.28. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 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

- 9.29. 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. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.30. 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 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 nature conservation.
- 9.31. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.32. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure. Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 9.33. Policy BN2 of the JCS 2014 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.

Assessment

- 9.34. The submitted Preliminary Ecological Appraisal (PEA) (March 2020) covers the whole paddock site and concludes that the site is predominantly semi-improved grassland. The report recommends planting further native species hedgerow, protection for foraging badgers/hedgehogs and a lighting scheme to protect bats and nest boxes. Vegetation should be cleared outside the March-September period and in a phased approach for reptiles. Recommendations are made to ensure a net gain in biodiversity.
- 9.35. However, the site has been identified as a suitable habitat for Great Crested Newts (GCN), and the PEA outlines the need for further surveys. As these were not

submitted, the Council's Ecology Officer objected. Since the objection, the Nature Space Partnership has been contacted directly by the applicant and consulted. Nature Space assessed the site on the 6th November and have recommended three conditions to be included on any grant of permission. The applicant is able to use the Council's license going forward to mitigate any harm to GCNs should they be found to be present on the site or in the immediate locality.

Conclusion

- 9.36. Overall, the proposed development has demonstrated that the current level of biodiversity on site can be maintained, with the potential to result in a net gain. This will be perused further in any future reserved matters application. Additionally, the preliminary steps to ensure the safeguarding of GCNs have been undertaken, this will also continue into the future reserved matters applications.
- 9.37. Officers are therefore satisfied, on the basis of the advice from Nature Space 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.

Highway safety

Policy/guidance context

- 9.38. Policy SS2 outlines how *"Planning Permission will be granted where the proposed development would include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles)"*.

Assessment

- 9.39. An indicative layout plan was submitted later in the application which sought to address the comments raised by NCC Highways, who expressed concerns regarding the private lane (leading to the village hall), outlining how it is not sufficient to accommodate residential use in addition to the likely high volume of traffic visiting a public space (village hall).
- 9.40. The indicative layout plan shows that there is ample turning space and parking (albeit with alterations to the layout to remove tandem parking). The shared access for the proposed dwelling and the adjacent site includes a turning area, meaning vehicles will be able to exit onto the private road in first gear, as oppose to reverse. The private lane itself is sufficiently wide, as examined in detail in the Highways Technical received 07th September which includes a further site plan in Appendix A. Officers consider that the introduction of two small dwellings will not significantly add to the volume of traffic using the private lane.
- 9.41. Another concern raised by NCC Highways is that the private lane is insufficient for a refuse vehicle, however, officers consider after a site inspection that the lane is both wide enough and features ample areas for passing. Moreover, the access to the proposed dwelling(s) is sited before the lane narrows nearer to the village hall itself.
- 9.42. Lastly, concerns were raised regarding the lack of a footpath from the site to the village. In this instance, officers consider that due to the small scale of the development this is not required and further still it is noted that there is a footpath present to the south (rear) of the village hall, which leads along the playing field and play park to the centre of the village to access the shop/post office, school and pub.

Conclusion

- 9.43. In conclusion, it is considered that the proposed development will not result in a loss of highway safety for all users and that there is sufficient pedestrian access to the rest of the village due to the presence of the footpath to the south of the village hall. The proposal therefore complies with policy LH5 from the Part 2 LP.

HUMAN RIGHTS AND EQUALITIES

- 9.44. Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.
- 9.45. 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.
- 10.2 For further information relating to CIL please visit:
<http://www.southnorthants.gov.uk/7143.htm>).

11. PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. 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) AND THE COMPLETION OF A LEGAL AGREEMENT TO SECURE THE OCCUPANCY OF THE DEVELOPMENT.

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 Legal 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 (Development Management Procedure) Order 2015 (as amended).

Reserved Matters

2. 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).

Approved Plans

3. 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:

- Amended site plan received 24/09/2020
- Indicative layout plan received 11/11/2020
- Amended noise assessment report received 16/10/2020
- Highways technical note received 07/09/2020
- Preliminary Ecology Appraisal received 21/04/2020
- Supporting Planning Statement received 21/04/2020

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

Restriction to single storey only

4. The dwelling hereby approved shall be restricted to single storey height

Reason: To protect the amenities of the neighbouring properties, maintain the character of the area and setting of heritage assets in accordance with policies SS2, HE1, HE5 and HE6 of the South Northamptonshire Local Plan Part 2.

Restriction in size of dwelling

5. The dwelling hereby approved shall be limited to a two bedroom or small three bedroom property.

Reason: To ensure the dwelling is affordable in accordance with policy LH3 of the South Northamptonshire Local Plan Part 2.

Removal of Permitted Development Rights

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

Reason : Taking into account the site constraints 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 in accordance with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework. Also to ensure the dwelling remains affordable in perpetuity in accordance with policy LH3 of the South Northamptonshire Local Plan Part 2.

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

Construction Method Statement

7. No development shall take place, until a Construction Method Statement 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) The routeing of 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) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement 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 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.

Archaeology

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

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 8 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

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

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Ecological Mitigation

10. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR47-2019-1) and with the proposals detailed on NatureSpace Partnership Limited plan '202010027 Paddock Land next to Hillcroft – Impact Plan', dated 6th November 2020.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR47-2019-1 and to comply with Government guidance contained within the National Planning Policy Framework.

Great Crested Newt District Licence

11. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR47-2019-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts and to comply with Government guidance contained within the National Planning Policy Framework.

12. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR47-2019-1 and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately mitigate impacts on great crested newts and to comply with Government guidance contained within the National Planning Policy Framework.

Native Species

13. All species used in the 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.