

**Town and Country Planning Act 1990 – Section 78  
Town and County Planning (Development Management Procedure) (England)  
Order 2015  
Town and Country Planning (Inquiries Procedure) (England) Rules 2002**

**Appeal by Richborough Estates**

**Land south of Blakesley Hill, Greens Norton**

**LPA Ref: S/2020/1376/MAO  
Appeal Ref: APP/Z2830/W/21/3267906**

**Planning Statement of Common Ground**

**May 2021**



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## 1.0 INTRODUCTION

### 1.1 Background

1.1.1 This Statement of Common Ground (SoCG) relates to an appeal by Richborough Estates ('the Appellant') against the refusal of planning permission by South Northamptonshire Council. in relation to land south of Blakesley Hill, Greens Norton (the 'appeal site'). On 1<sup>st</sup> April 2021 South Northamptonshire Council was replaced with a new unitary authority named West Northamptonshire Council ('**The Council**') and it now constitutes the LPA for this appeal. This SoCG has been jointly prepared by the Appellant and the Council and sets out the factual background to the appeal and those matters on which the main parties are in agreement. It also sets out those matters which the parties do not agreed which are addressed in evidence.

1.1.2 In accordance with the Case Management Conference, other topic-specific SoCGs have been prepared on housing land supply and landscape matters. An agreed list of Core Documents (CDs) and agreed schedule of conditions are provided separately.

### 1.2 Purpose

1.2.1 This Statement is prepared in accordance with Annexe R of the PINS Procedural Guide, Planning Appeals – England (March 2021) and Article 37 Part 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 – as amended.

### 1.3 Parties

1.3.1 This final version of the SoCG is jointly agreed by:

Signed 

Date: 11<sup>th</sup> May 2021

**Richard Lomas** on behalf of Richborough Estates

Signed 

Date: 11<sup>th</sup> May 2021

**Andrew Murphy** on behalf of West Northamptonshire Council

## **2.0 THE APPEAL SITE AND SURROUNDING AREA**

- 2.1.1 The appeal site extends to a total of 2.87 hectares and comprises a field adjoining the existing settlement edge of Greens Norton.
- 2.1.2 To the east of the appeal site is existing 20<sup>th</sup> century housing on Benham Road / Falcon View. Countryside surrounds the site to the north beyond Blakesley Hill and to the west beyond Bury Hill. Countryside and domestic gardens lie beyond the southern boundary.
- 2.1.3 The appeal site is not affected by any designated or non-designated heritage assets and is not subject to any statutory landscape, ecological or arboricultural designations. It is not subject to any public rights of way and is not currently publicly accessible. It lies wholly within Flood Zone 1.
- 2.1.4 At 2.87Ha in size, the appeal site does not exceed the EIA screening threshold as set out at Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Similarly, neither is the site within a “sensitive area” as defined in the EIA Regulations which may otherwise require an application/appeal to be formally screened.

## **2.2 Accessibility**

- 2.2.1 The site is situated circa 550m to the west of the village centre, approximately 3km north-west of Towcester and approximately 14km south-west of the town of Northampton.
- 2.2.2 The appeal site is located within 1km walking and cycling distance of a range of local facilities and services<sup>1</sup> in Greens Norton including:
- Greens Norton CEVC Primary School – 930m
  - Hedgehog Hill Nursery and Pre-School – 730m
  - The Rocking Horse Day Nursery – 950m
  - Greens Norton Post Office and Village Store – 550m
  - Greens Norton Medical Centre – 920m
  - The Butchers Arms Public House – 500m

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<sup>1</sup> All approximate distances measured using the pedestrian route via Blakesley Hill.

- Recreation Park and Children’s Park – 770m
  - Greens Norton Village Hall – 730m
  - Church of Saint Bartholomew – 620m
  - Greens Norton Community Centre – 850m
  - Roy Hunt Family Butchers – 600m
  - Greens Norton Pocket Park (Local Nature Reserve) – 700m
- 2.2.3 The nearest bus stops are located on High Street to the east of the Site, next to the post office/village store, circa 550m away from the Appeal Site.
- 2.2.4 The no. 87 bus provides three services per day each way between Northampton and Brackley via Towcester (Mondays – Saturdays). There are no services on Sundays. The first bus departs ‘Green Norton, adj School Lane’ bus stop at 07.10, with a further two services at 10.17 and 12.56. Return services from Northampton Bus Interchange arrive in Greens Norton at 10.13, 14.13 and 18.34.
- 2.2.5 Northampton railway station is located circa 12km to the north-east of the site and can be accessed using the no.87 bus service to the Northampton Bus Interchange and then undertaking a 13-minute walk (circa 0.6 miles) to the station. The station offers services to destinations including Birmingham New Street (journey time of 1hr 6 mins) and London Euston (journey time of 1hr 18 mins).

## **2.3 Planning History**

- 2.3.1 The appeal site is subject to two previous applications by the same Appellant which also encompassed land to the south. Neither application was subject to an appeal.

### ***The “2015 Application” (Council Ref: S/2015/0718/MAO)***

- 2.3.2 Richborough Estates made an outline planning application for up to 128 dwellings (all matters reserved save for means of access) in March 2015. The application site extended to 6.2Ha, incorporating land to the south of the current appeal site, bounded by Bradden Road. The proposal included dual vehicular access points on Blakesley Hill and Bradden Road. The application was refused in accordance with the recommendation of Officers. Relevant documents are provided at CD8.02.

***The “2016 Application” (Council Ref: S/2016/1891/MAO)***

- 2.3.3 A duplicate application was validated by the Council on 27 July 2016 and provided for the same description/quantum of development. The application was refused, in accordance with Officer recommendation by Notice dated 21 October 2016. A copy of the Committee Report and Decision Notice are at CD8.03.

### 3.0 THE APPEAL PROPOSAL

3.1.1 The Appellant seeks outline planning permission with all matters reserved except for details of access for a residential development comprising:

- The provision of up to 69 dwellings of which 50% (up to 35 dwellings) will be affordable homes;
- A main vehicular access point off Blakesley Hill to the north of the site with associated off-site highway improvements;
- Provision of a Local Area for Play (LAP) and extensive areas of public open space;
- Provision of a Sustainable Urban Drainage System (SuDS); and
- Commuted sums for necessary community infrastructure.

3.1.2 The application was validated by SNC on 17th August 2020 (Council ref: S/2020/1376/MAO) and considered by the Council's Planning Committee on 3<sup>rd</sup> December 2020 with an Officer recommendation for refusal (CD5.01 and CD5.02).

### 3.2 Plans for Approval

3.2.1 The drawings for which the Appellant seeks planning permission for are as follows:

<b>Drawing ref</b>	<b>Drawing Name</b>
RICU3014_01	Site Location Plan (CD1.02)
T20510.001 Rev B	Proposed Site Access with Visibility Splays and Gateway (see 'Drawings' section of TA at CD1.16)

3.2.2 The Illustrative Masterplan (drawing ref: RICU3014\_03) at CD1.19 provides one iteration as to how the development could be accommodated on-site.

### 3.3 Statutory Consultees

3.3.1 The Committee Report (CD5.01 and CD5.02) details that technical matters were resolved to the satisfaction of the following technical consultees on the application:

- **Northamptonshire County Highways Authority:** No objection subject to speed limit relocation, road safety audit, and travel plan implementation

- **Highways England:** no objections
- **Northamptonshire Police:** comment regarding matters of layout and best-practice in crime prevention through design
- **SNC Building Control:** no objections
- **Lead Local Flood Authority:** no objections subject to conditions regarding detailed drainage design
- **SNC Strategic Housing:** no objection subject to 50% affordable housing being secured by Planning Obligation with an appropriate tenure split
- **SNC Recreation & Leisure:** comment regarding the apparent lack of connectivity in the site and isolated location
- **NCC Archaeology:** no objection subject to conditions
- **NCC Key Services:** no objection in respect of school capacity provided appropriate contributions are secured by Planning Obligation
- **NHS Northamptonshire CCG:** comment – contribution sought towards the increased primary health care capacity to be secured by Planning Obligation
- **Environmental Health:** no objections subject to standard conditions regarding contamination
- **Anglian Water:** no objections subject to conditions and informatives regarding foul drainage connectivity

3.3.2 The Council's Decision Notice (CD5.04) was issued on 04 December 2020 and includes three reasons for refusal ('RfR').

3.3.3 The Appellant was not requested to provide a completed Section 106 Agreement prior to the determination of the planning application but it was known that one would be required in order to mitigate the impacts of the development.

3.3.4 Subject to the completion of an appropriate legal agreement which both parties are working towards and which secures all the necessary obligations, the Council will withdraw RfR3.

## **4.0 PLANNING POLICY**

### **4.1 Development Plan**

4.1.1 The Development Plan, for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 comprises:

- West Northamptonshire Joint Core Strategy Local Plan ('JCS) adopted in December 2014
- The South Northamptonshire Local Plan Part 2 ('LPP2') adopted in July 2020

### **4.2 West Northamptonshire Joint Core Strategy Local Plan ('WNJCS')**

4.2.1 The JCS sets out the long-term vision and objectives for the whole of the area, including (the former) Northampton Borough, Daventry District and South Northamptonshire Councils. The Reasons for Refusal refer to the following JCS Policies:

- Policy R1(b), R1(e) and R1(g) – Spatial Strategy for the Rural Areas
- Policy H2 – Affordable Housing
- Policy INF1 – Approach to Infrastructure Delivery
- Policy INF2 – Contributions to Infrastructure Requirements

4.2.2 Policy H2 was replaced by Policy LH8 when the LPP2 was adopted.

4.2.3 The following policies of the WNJCS are also of relevance:

- Policy S1 – The Distribution of Development
- Policy S3 – Scale and Distribution of Housing Development
- Policy S6 – Monitoring and Review
- Policy S10 – Sustainable Development Principles

### **4.3 South Northamptonshire Local Plan Part 2 ('LPP2')**

4.3.1 The South Northamptonshire Local Plan (Part 2) was adopted in July 2020 and supersedes all the saved policies from the South Northampton Local Plan (1997).

4.3.2 The Reasons for Refusal refer to the following LPP2 Policies:

- Policy SS1 – The Settlement Hierarchy
- Policy LH1 – Residential Development Inside and Outside Settlement Confines
- Policy SS2(1a) – General Development and Design Principles
- Policy LH8 – Affordable Housing
- Policy INF1 – Infrastructure Delivery and Funding
- Policy GS1 – Open Space, Sport and Recreation

#### **4.4 Material Considerations**

4.4.1 Material considerations in this appeal include the following:

- National Planning Policy Framework 2019 (the ‘Framework’)
- National Planning Practice Guidance (‘PPG’)
- Emerging West Northamptonshire Strategic Plan 2019-2040
- JCS Inspectors Report
- LPP2 Inspectors Report
- Greens Norton Village Design Statement
- Supplementary Planning Documents
- Other Relevant Decision and Judgements

## **5.0 MATTERS ON WHICH THE PARTIES AGREE**

5.1.1 The following matters are agreed between the parties.

### **5.2 Planning Policy**

5.2.1 The appeal site lies outside (but adjacent to) the settlement confines for Greens Norton as defined on the LPP2 Proposals Map.

5.2.2 There is no Neighbourhood Plan in Greens Norton, either emerging or made. South Northamptonshire includes part of the Northampton Related Development Area (NRDA). The appeal proposal is not located within the NRDA. The appeal proposal is not NRDA-related housing development (LPP2 Policy SS1/4ii).

5.2.3 Greens Norton is designated as a Secondary Service Village – Third Category – Secondary Village (A) under Policy SS1 (The Settlement Hierarchy) of the LPP2.

5.2.4 The LPP2 does not make any housing allocations, either in Greens Norton, or elsewhere.

5.2.5 The proposal is contrary to Policy R1(G) of the WNJCS, Policy SS1(2) and LH1(2) of the LPP2 by virtue of being outside the settlement confines for Greens Norton. The proposal is contrary to the development plan as a whole.

5.2.6 The WNJCS is now more than five years old and states that a review would be undertaken following adoption with the aim of having an adopted plan in place by 2020. The parties agree that the production of the replacement West Northamptonshire Strategic Plan remains at a formative stage. Accordingly, it can be afforded no weight in the determination of this appeal.

### **5.3 Market Housing**

5.3.1 The provision of up to 35 open market dwellings is a benefit of the appeal proposal.

### **5.4 Affordable Housing**

5.4.1 The appeal proposal provides up to 50% affordable housing on-site (up to 35 affordable dwellings) which accords with Policy LH8 of the adopted WNJCS. The provision by this proposal of affordable housing is a benefit of proposal.

5.4.2 There is no up-to-date housing needs survey for Greens Norton.

5.4.3 The only affordable housing delivered in Greens Norton since 2010 comprises the Stamford Homes development at Mill Lane (Council Ref: S/2009/0620/PO and S/2011/0374/MAR). This comprises 49 dwellings of which 20 (40%) were affordable. No other affordable housing has been delivered to Greens Norton since 2010.

5.4.4 The latest ONS Median Affordability Ratio for South Northamptonshire has increased to 10.33 (March 2021).

## **5.5 Economic Benefits**

5.5.1 Economic benefits associated from the appeal proposals include:

- Construction spend.
- The creation of short-term local construction jobs;
- New residents would generate local expenditure which would help sustain and support local businesses and services;

## **5.6 Education**

5.6.1 Financial contributions are required towards primary education provision to mitigate the impact of the appeal proposals. These contributions will be included within the Planning Obligation.

## **5.7 Public Open Space**

5.7.1 New publicly accessible open space provided on site (including the provision of a LAP) is mitigation for the proposed development and may benefit existing residents of Greens Norton.

## **5.8 Highways and Access**

5.8.1 The proposed vehicular access point off Blakesley Hill (shown on drawing ref: T20510.001 Rev B) can safely accommodate the number of dwellings proposed on the appeal site.

5.8.2 The Local Highways Authority has raised no objection to the proposals subject to the imposition of a condition in relation to speed limit relocation, road safety audit and travel plan implementation. Highways England have also raised no objection to the appeal proposals. In addition, there are no cumulative highway impacts arising from the proposals.

5.8.3 The traffic generated by the proposed development would not have an unacceptable impact on the local highway network or on highway safety.

5.8.4 A contribution towards the no. 87 Bus Service, which is currently subsidised by the Parish Council, could help to safeguard provision of the service for both existing and future residents and is a benefit of the proposal.

## **5.9 Agricultural Land Quality**

5.9.1 The appeal proposals would not result in the loss of best and most versatile land. The very small area of Grade 2 land situated to the north of the appeal site is too small to be farmed in its own right (the remainder of the site being Grade 3b as confirmed at CD1.18).

## **5.10 Arboriculture**

5.10.1 There are no arboricultural constraints to development. New planting could assist in delivering an overall enhancement in the arboricultural resource of the site.

## **5.11 Noise**

5.11.1 The appeal proposals would not cause any significant or unacceptable noise or vibration impacts to surrounding properties, residents or uses.

## **5.12 Landscape**

5.12.1 A separate, topic-specific SoCG will be prepared in respect of landscape matters but for planning purposes, the parties agree that the appeal site is not subject to any formal landscape designation and is not a valued landscape under Paragraph 170 of the Framework.

## **5.13 Drainage and Flood Risk**

5.13.1 The appeal site is located entirely within Flood Zone 1 and is therefore at the lowest category of flood risk from rivers and seas as categorised by the Environment Agency. The parties agree that the Lead Local Flood Authority have no objection to the appeal proposals in regard to the detailed drainage design, subject to the imposition of appropriate planning conditions.

## **5.14 Ecology and Biodiversity**

5.14.1 There is no objection to the appeal proposal on ecology grounds and the proposal provides an opportunity for measurable net gains in biodiversity.

## **5.15 Design and Layout**

5.15.1 Should the appeal be allowed, the site is capable of accommodating up to 69 dwellings in general accordance with the Illustrative Masterplan, identified constraints and specified parameters. This also demonstrates that the site could be developed for up to 69 dwellings with no adverse impact on the residential amenity of existing occupiers.

## **5.16 Site Delivery**

5.16.1 There are no technical reasons why the development could not be delivered in this location.

5.16.2 The development, if approved, could be delivered in full within the current five year period, thereby contributing to the Council's five year housing land supply position.

## **5.17 Archaeology and Heritage**

5.17.1 Further intrusive work should be undertaken on site to further assess any impacts, but these works can be secured by way of condition.

5.17.2 The appeal proposals do not impact any designed or non-designated heritage assets.

## **5.18 Ground Conditions**

5.18.1 The appeal site is not subject to any known sources of contamination and further intrusive surveys can be secured by condition prior to development commencing.

## **5.19 Community Infrastructure**

5.19.1 Provision for community infrastructure is necessary to be included in a Planning Obligation where these meet the requirement of Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010.

5.19.2 The appeal proposals are CIL liable.

## **6.0 MATTERS ON WHICH THE PARTIES DISAGREE**

6.1.1 This section sets out those matters on which the two parties disagree.

### **6.2 Location**

6.2.1 The extent of any conflict with Policies S1 and R1 of the WNJCS and policies SS1 and SS2 of the LPP2.

### **6.3 Scale**

6.3.1 Whether the proposal conflicts with WNJCS Policy R1(E). Specifically, whether the proposal is an appropriate scale to the existing settlement.

### **6.4 Landscape Impact**

6.4.1 The parties disagree on the level of localised harm which would be caused to the character of this area of Greens Norton. Whether the proposal is in conflict with WNJCS policy S1D(1 and 4) by virtue of alleged harm to the distinctive character of Greens Norton and alleged harm to tranquillity.

6.4.2 Whether the proposal conflicts with WNJCS Policy R1(B). Specifically, whether the proposal affects open land which is of particular significance to the form and character of the village.

### **6.5 Housing Land Supply**

6.5.1 Whether the Council can demonstrate a five-year housing land supply as required under Paragraph 73 of the Framework.

### **6.6 Planning Balance**

6.6.1 The weight to be given to any benefits arising from the appeal proposal.

6.6.2 Whether the “tilted balance” in paragraph 11d of the Framework is engaged.

6.6.3 In the event that paragraph 11d applies, whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.6.4 In the event that paragraph 11d does not apply, whether the appeal should still be allowed.