

**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

**Against the refusal of outline planning permission by South
Northamptonshire Council (now West Northamptonshire Council)
on the Application for:**

***“Outline application for up to 69 dwellings, with associated access,
landscaping, open space, and drainage infrastructure (all matters
reserved other than access).”***

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

SUMMARY

Proof of Evidence on Planning Matters

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1.0 SUMMARY AND CONCLUSIONS

1.1 Background

- 1.1.1 I am Richard Lomas. I hold a Bachelor of Science degree in City and Regional Planning and a Postgraduate Diploma in Town Planning, both from the University of Wales, Cardiff. I have been a Chartered Member of the Royal Town Planning Institute (RTPI) since 2004. The evidence which I have prepared and provide for this appeal (APP/Z2830/W/21/3267906) in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.
- 1.1.2 This Summary Proof of Evidence should be read in conjunction with my main Proof of Evidence and associated Appendices.
- 1.1.3 My evidence related to an appeal by Richborough Estates against the decision by South Northamptonshire Council (now West Northamptonshire Council) to refuse an outline planning application for up to 69 dwellings with associated access, landscape and drainage infrastructure (all matters reserved save for means an access) on land south of Blakesley Hill in Greens Norton, South Northamptonshire.
- 1.1.4 The application was validated by the Council on 17th August 2020 (ref: S/2020/1376/MAO) and reported to SNC Planning Committee on 3rd December 2020 with an Officer recommendation for refusal which Members accepted. The Decision Notice (CD5.04) lists three Reasons for Refusal (RfR) but the Council does not allege that there are any other technical reasons why outline planning permission should not be granted, other than localised landscape harm.
- 1.1.5 My evidence covers matters relating to planning policy and the overall planning balance under RfR1; specifically, the alleged conflict with Policy R1(E) and R1(G) of the adopted West Northamptonshire Joint Core Strategy ('JCS') and Policies SS1 and LH1 of the adopted South Northamptonshire Local Plan (Part 2) (the 'LPP2'). In forming my overall conclusions, I rely on the evidence of Mr Ben Pycroft in respect of housing land supply matters and Mr Robert Hughes in respect of landscape matters.
- 1.1.6 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 lies wholly within Flood

Zone 1. It is agreed that the appeal site does not comprise Best and Most Versatile Agricultural Land. The appeal site lies beyond (but adjoining) the defined settlement confines for Greens Norton as defined in the Development Plan.

- 1.1.7 It is agreed that the appeal site is in an accessible location, with a good range of facilities within walking and cycling distance. Towcester lies approximately 3km (travelling distance) to the southeast of Greens Norton and well within the recommended 5km cycle distance.

1.2 Development Plan

- 1.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed at Paragraphs 2, 12 and 47 of the National Planning Policy Framework.
- 1.2.2 The evidence I have presented demonstrates that, in the absence of a five-year housing land supply, the most important policies for determining the appeal are out-of-date and the presumption in favour of sustainable development (set out at para. 11(d) of the National Planning Policy Framework) is engaged i.e., the ‘tilted balance’. The test to be applied is, therefore, whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole under Paragraph 11d(ii).
- 1.2.3 Alternatively, should the Inspector determine that the most important policies are not out-of-date, I demonstrate that the benefits of the appeal proposal are such that, in the absence of any unacceptable harm arising from the proposed development, the overall planning balance remains in favour of permission being granted i.e., the “flat balance”.
- 1.2.4 I have identified that the appeal proposal conflicts with JCS Policy S1 insofar as the limited growth directed to the Rural Areas has already been exceeded; this is not, however, a cap to further development. Furthermore, the Council does not allege that the proposals are contrary to JCS Policy S10. I further conclude that the proposals are not contrary to JCS Policies R1(A) – R1(F) or SS2(1a). I do, however, accept that the proposals are contrary to R1(G) and LH1 by virtue of being beyond the defined settlement confines for Greens Norton. Furthermore, I consider that the proposals do not conflict with SS1.

1.2.5 I acknowledge that the appeal proposals are contrary to the Development Plan as a whole, by virtue of being outside the settlement confines for Greens Norton where the identified housing requirement for the Rural Areas has already been met. However, I contend that there are a significant number of policies (or elements of policies) which clearly support the appeal proposals which affect the weight to be given to any identified policy conflict in the overall planning balance.

1.2.6 I have considered and identified those other material considerations which lend compelling support to the appeal proposals:

- Provision of Market Housing – **Very Significant Weight** (reduced to **Significant Weight** if a five year housing land supply can be demonstrated)
- Provision of Affordable Housing – **Very Significant Weight**
- Site Deliverability – **Significant Weight**
- Socio-Economic Benefits – **Significant Weight**
- Public Transport Improvements – **Significant Weight**
- Public Open Space and Local Area of Play – **Moderate Weight**
- Biodiversity Net Gain – **Limited Weight**

1.2.7 Contrasted against these benefits are the harms that would arise, namely localised landscape impacts to the extent identified by Mr. Hughes to which I give **limited** weight. With the tilted balance engaged, I give **moderate weight** to the conflict with the Development Plan. In the ‘flat balance’ scenario, I would give **significant weight** to the conflict with the Development Plan.

1.3 The Planning Balance

1.3.1 Overall, therefore, with the tilted balance engaged, I conclude that the adverse impacts, such as they are, do not significantly and demonstrably outweigh the benefits that I have identified. Moreover, this is not a marginal judgment; the balance clearly lies in favour of the appeal being allowed.

1.3.2 Whilst it is a more marginal judgement in the ‘flat balance’ scenario, I consider that the identified material considerations, coupled with the particular circumstances of the appeal site and lack of overriding harms identified, justify a decision other than in accordance with the Development Plan in this instance.

1.3.3 For these reasons, the Inspector is respectfully invited to allow this appeal.

1.4 Planning Obligation

1.4.1 The Appellant has prepared a draft Planning Obligation to ensure that the necessary infrastructure to support the development is appropriately secured. The draft Planning Obligation provides (at the time of writing) for the following:

Affordable Housing

- 50% of the total number of dwellings to be provided as affordable housing (rounded up to the nearest whole dwelling). Tenure split of 70% affordable rented/social rented and 30% intermediate housing (or alternative tenure mix approved by Council).

Highways and Transport

- Financial contribution of £1,000 per dwelling towards enhancement of public transport services serving the development specifically the no. 87 (Northampton – Towcester) bus service.
- A 28 day Stagecoach Megarider Gold Travelcard to be made available to first occupier of each dwelling for unlimited travel between Greens Norton and Towcester/Northampton (the current cost of such travel card being £110).
- Financial contribution of £2,000 towards provision and installation of 2 Sheffield style stands for cycle parking at locations in Green Norton.

Primary and Early Years Education

- Financial contribution towards Greens Norton CEVC Primary School to be calculated on a per-dwellings basis as follows: £0 per 1 bed; £1,614 per 2 bed; £3,972 per 3 bed; £4,592 per 4+ bed.
- Provision for an Early Years Education (subject to a capacity assessment) calculated on a per-dwellings basis as follows: £0 per 1 bed; £3,724 per 2 bed; £3,972 per 3 bed; £4,220 per 4+ bed.

Primary Healthcare

- Financial contribution of £508.40 per dwelling towards the expansion of primary healthcare facilities at Greens Norton Medical Centre.

Public Open Space

- Provision of on-site public open space (comprising no less than 15m² per dwelling) and a Local Area for Play. Transfer of completed on-site public open space and Local Area for Play to management company.

Refuse and Recycling

- Financial contribution of £70.00 per dwelling towards the provision of refuse and recycling bins for the development.

Libraries

- Financial contribution towards the provision and/or enhancement of library facilities to be calculated on a per-dwellings basis as follows: £109 per 1 bed; £176 per 2 bed; £239 per 3 bed; £270 per 4+ bed.

1.4.2 It is agreed that the contributions as summarised above comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 56 of the Framework.

1.5 Planning Conditions

1.5.1 Without prejudice to the outcome of the appeal, a schedule of suitable planning conditions has been agreed by the main parties and forwarded to the Planning Inspectorate under separate cover for discussion at the Inquiry.