

**Case Officer:** Samuel Dix

**Applicant:** Richborough Estates

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

**Ward:** Kingthorn

**Councillors:** Cllr Charles Manners

**Reason for Referral:** Major development

**Expiry Date:** 8 December 2020

**Committee Date:** 3 December 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

The proposed development comprises the erection of up to 69 dwellings and associated infrastructure including a new access, landscaping, open space and sustainable drainage systems. The application is in outline with all matters other than access reserved for future determination.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Greens Norton Parish Council

The following consultees have raised **no objections and/or commented** on the application:

- SNC Planning Policy
- Building Control
- Northants Police
- SNC Recreation & Leisure
- Local Highway Authority
- SNC Strategic Housing
- Highways England
- NCC Archaeology
- NCC Key Services
- NHS Northamptonshire CCG
- Anglian Water
- Lead Local Flood Authority

Letters of **objection** from 43 households have been received alongside one letter of objection from the Northamptonshire branch of the Campaign to Protect Rural England

(CPRE). No 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;
- Landscape and visual impacts;
- Impacts on the local highway network;
- Impacts on the strategic road network (including cumulative impacts);
- Drainage;
- Impact on archaeology;
- Impact on protected species;
- Agricultural land quality;
- Impact on local infrastructure and section 106 matters.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons

1. The principle of development of this scale and outside the settlement confines of Greens Norton is contrary to the adopted Development Plan;
2. The development would result in localised landscape harm via the loss of an undeveloped field that forms an area of transition between Greens Norton and surrounding countryside;
3. The impacts of the development on local infrastructure cannot be appropriately mitigated in the absence of a completed s106 legal agreement.

**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 comprises an agricultural field just under 3Ha in size located on the north-west side of Greens Norton. It is bordered to the north by Blakesley Hill, the main westwards approach into/out of Greens Norton, to the west by Bury Hill, which is a narrow lane between Greens Norton and Bradden, to the east by existing dwellings on Benham Road, and to the south by a separate agricultural field demarcated by hedgerow as well as extended gardens for properties on Falcon View.
- 1.2. The site is presently open and without any features of note, other than hedgerows around its borders. It is in use for arable farming and slopes gently from north to south.

- 1.3. In common with many villages in the District, Greens Norton has an historic centre with more modern development towards its edges on the roads out of the village. The dwellings in closest proximity to the application site are located on Benham Road and Falcon View and are typical 20<sup>th</sup> century housing developments.

## **2. CONSTRAINTS**

- 2.1. The application site is outside the village confines of Greens Norton established in the South Northamptonshire Part 2 Local Plan. It is therefore within open countryside in planning policy terms. A small part of the western part of the site is covered by an area of archaeological interest. The site is within 2km of 3no. local wildlife sites.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The proposed development comprises the erection of up to 69 dwellings and associated infrastructure including a new access, landscaping, open space and sustainable drainage systems. The application is in outline with all matters other than access reserved for future determination. An indicative layout demonstrates how dwellings could be laid out in a conventional arrangement of cul-de-sacs with open space and drainage infrastructure provided at the western and southern edges of the site.

## **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/2016/1891/MAO	Outline application for residential development with associated access, landscaping, open space and drainage infrastructure	Refused
S/2015/0718/MAO	Outline application for residential development with associated access, landscaping, open space and drainage infrastructure	Refused

- 4.2. The previous applications on the site are directly relevant to the current proposals although comprised a larger development of 128-135 dwellings that also covered the field to the immediate south of the current application site.

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place regarding this proposal.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of 3no. site notices 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 15<sup>th</sup> September 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:

- Unnecessary development outside village confines;
- Lack of capacity in local schools and medical centres;
- Dangerous access arrangements on Blakesley Hill;
- Increase in traffic through village;
- Visual impacts on surrounding countryside;
- Loss of agriculture for food production;
- Flood risk to the south of the site;
- Foul pumping station could cause nuisance;
- Loss of natural habitats.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. GREENS NORTON PARISH COUNCIL: **object** on the grounds of development outside village confines in open countryside, contrary to policy, landscape impacts, archaeology, no identified need for housing.

### CONSULTEES

7.3. NCC HIGHWAYS: **no objections** subject to speed limit relocation, road safety audit, and travel plan implementation (*Officer comment: these matters could be secured by condition*).

7.4. HIGHWAYS ENGLAND: **no objections** – (*Officer comment: in correspondence Highways England have expressly confirmed that they do not regard there to be any severe impact on the strategic road network (in the context of this site this refers to the A5 and A43) from this development, even if considered cumulatively with other major residential proposals in Greens Norton*)

7.5. NORTHANTS POLICE: **comment** regarding matters of layout and best-practise in crime prevention through design.

7.6. BUILDING CONTROL: **no objections**

7.7. LEAD LOCAL FLOOD AUTHORITY: **no objections** subject to conditions regarding detailed drainage design.

7.8. SNC STRATEGIC HOUSING: **no objection** subject to 50% affordable housing being secured in s106 agreement with 25 rental units and 10 intermediate. Further comments concerning need with 32 applicants on the Council's 'live' register having

identified Greens Norton as an area to be rehoused, 3 of which have a local connection.

- 7.9. SNC RECREATION & LEISURE: **comment** regarding the apparent lack of connectivity in the site and isolated location. Other comments regarding specification of open space (to be addressed in reserved matters).
- 7.10. SNC PLANNING POLICY: **comment** - SNC's 2020 Housing Land Availability Study illustrates that the Council is delivering its requirement for housing in the rural areas as detailed under Policy S3 of the JCS and that it has an 8.26 year housing land supply. This robust figure ensures that the development plan is not absent, silent or out-of-date (NPPF paragraph 11) and as such these current proposals must have regard to and be considered against its policies.

The application site is located outside of the village confines of Greens Norton as drawn in the Local Plan. As such and for the purposes of the Development Plan the application site is located in the Open Countryside, a location where planning policy only supports development in a limited number of circumstances. With regards to the West Northamptonshire Joint Core Strategy these are Policies S1, S10 and R1. In respect of the Part 2 Local Plan, which identifies Greens Norton as a Secondary Village A, the circumstances in which development may be appropriate are set out in policies LH2-LH9 of the Plan.

If these current proposals are to receive support as part of this planning application, it will need to be demonstrated that there are material considerations sufficient, in accordance with Paragraph 38(6), to overcome any conflict with the Development Plan.

- 7.11. NCC ARCHAEOLOGY: **no objection** – the geophysical survey for the site has identified ploughed out ridge and furrow, which could mask archaeological activity. Linear features have also been identified. Further intrusive work should be undertaken to further assess any impacts. However, these may be secured by way of condition.
- 7.12. NCC KEY SERVICES: **comment** that s106 contributions will be required towards enhancing education provision. Depending on final dwelling mix this is estimated to be **£274,068** for primary education and **£317,400** for secondary education (*officer note: secondary contributions should come from CIL*). A libraries contribution of **£16,491** is also sought.
- 7.13. NHS NORTHAMPTONSHIRE CCG: **comment** - Northamptonshire CCGs/NHSE&I are requesting a contribution from the developer towards the increased primary health care capacity directly attributable to the population of the proposed new development. Northamptonshire CCGs will be working with the Practices local to the development , to establish specifically where there is scope to expand/improve capacity to effectively care for the additional patients. A total of **£35,079.92** is requested towards this.
- 7.14. ENVIRONMENTAL HEALTH: **no objections** subject to standard conditions regarding contamination.
- 7.15. ANGLIAN WATER: **no objections** subject to conditions and informatives regarding foul drainage connectivity

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 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, and the 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
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- C2 – New Developments
- H1 – Housing Density and Mix and Type of Dwellings
- H2 – Affordable Housing
- H4 – Sustainable Housing
- BN2 – Biodiversity
- BN7 – Flood Risk
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- R1 – Spatial Strategy for the Rural Areas

### SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

- SS1 – The settlement hierarchy
- SS2 – General development and design principles
- LH1 – Development within town and village confines
- LH8 – Affordable housing
- LH10 – Housing mix and type
- SDP2 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- HE2 – Scheduled ancient monuments and archaeology
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species

### 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;
- Landscape and visual impacts;
- Impacts on the local highway network;
- Impacts on the strategic road network (including cumulative impacts);
- Drainage;
- Archaeology;
- Impact on protected species;
- Agricultural land quality;
- Impact on local infrastructure and section 106 matters.

### Principle of Development

#### *Policy Context*

9.2. The adopted Development Plan for South Northamptonshire comprises the West Northamptonshire Joint Core Strategy (JCS 2014) and the Local Plan Part 2 (LPP2 2020).

9.3. The JCS 2014 – this Plan was adopted in December 2014. Spatial Objectives 1, 3, 11 and 12 are amongst those that provide direction to the policies of the JCS. These seek to provide a range of housing in sustainable locations; to reduce the need to travel and promote sustainable travel modes; to ensure all residents have access to a home that they can afford and that meets their needs; and state that housing development will be focused at the most sustainable location of Northampton, supported by Daventry, Towcester and Brackley in their roles as rural service centres. Limited development will take place in the rural areas to provide for local needs and to support local services. Alongside this is the objective to protect and support rural communities to ensure they thrive and remain vital. The JCS policies most important for determining the acceptability in principle of development are policies SA, S1, S3, S10 and R1.

9.4. The LPP2 2020 – this plan was adopted in July 2020 and replaces Saved Policies from the 1997 Local Plan. The LPP2 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. Policy SS1 establishes that Greens Norton is a Secondary Village (A), which are settlements likely to be more suitable for limited development than Secondary Villages (B). The most important policies in the LPP2 for determining the acceptability in principle of development are Policies SS1 and LH1.

9.5. Housing Land Supply – the Council’s April 2020 Housing Land Availability Study sets out that South Northamptonshire can demonstrate a supply of 8.26 years of deliverable housing sites, taking into account previous oversupply and excluding the Northampton Related Development Area (NRDA). The report further sets out that

even if previous oversupply is not taken into account, a supply of 5.18 years can still be demonstrated excluding the NRDA.

### *Assessment*

- 9.6. The JCS 2014 is now over 5 years old. Accordingly, a review of the JCS policies was undertaken in accordance with the Town and Country (Local Planning) (England) Regulations 2012 (as amended). This review identified that many of the policies in the JCS remain up to date and consistent with the NPPF. It is on that basis that they should continue to be given full weight as part of the development plan for the purposes of decision making. This includes policies S1 and R1 and, importantly, Policy S3 which should continue to be used for the purposes of 5-year housing land supply calculations until such time as the West Northants Strategic Plan is produced.
- 9.7. Policy S1 sets out the general distribution of growth across West Northamptonshire, with development in rural areas being limited with an emphasis on enhancing and maintaining character and vitality, shortening journeys and facilitating access to jobs and services, strengthening rural enterprise and linkages between settlements, and respecting tranquillity.
- 9.8. Policy R1 addresses the specific distribution of rural growth, which is to be informed by settlement hierarchies established in Part 2 Local Plans. In all cases development in the rural areas will be required to provide an appropriate mix, including affordable housing; to not affect open land of particular significance to the form and character of the village; to preserve areas of historic and environmental importance; to protect residents' amenities; to be of an appropriate scale; to promote sustainable development and to be within existing confines unless there are particular or exceptional circumstances. R1 goes on to say that once the requirement for the rural areas has been met development will only be permitted where specific criteria apply, including the retention of a local facility or service (criteria (ii)) where this is supported by an effective community consultation exercise (criteria (iii)).
- 9.9. The proposed development is not considered by Officers to comply with the requirements of Policy R1 in respect of both its scale and its location outside village confines. In terms of the latter, the application is directly in conflict with R1(g) as there are no exceptional circumstances that would justify development outside the confines in this instance. The development would provide affordable housing and appropriate contributions to local infrastructure but is not exceptional in this respect. Concerns regarding the scale of the development may be considered separately to the physical impacts of the development in visual landscape terms. In summary, notwithstanding the mitigating effect of infrastructure contributions, the development of an additional 69 dwellings in Greens Norton is considered to be of an inappropriately large scale and would prejudice the otherwise urban-focussed strategy of the development plan. Whilst a significant decrease from the size of the proposals refused in 2016, 69 dwellings is not regarded by Officers as the 'limited development' referred to in Policy SS1 that is potentially suitable in category A Secondary Service Villages. 'Appropriate scale' is not necessarily the same as 'proportionate scale' yet for context it may be noted that the development would represent an increase in approximately 10% on the existing village in terms of number of households.
- 9.10. The applicant's case is that the development complies with criteria (ii) in Policy R1 by virtue of a contribution towards the no.87 bus service in the village that would otherwise be in danger of ceasing. Whilst this is given positive weight in the planning

balance below, it is not considered that this makes the principle of development acceptable in policy terms for three reasons.

- 9.11. Firstly, it is questionable whether the bus service is an 'essential' local service, bearing in mind that Policy R1 cites in particular schools and medical centres rather than bus services. Secondly, there is no evidence that the development is expressly required to support the retention of the service, which could be subsidised by other means or reconfigured into a more viable service. Finally, criteria (ii) of Policy R1 must be read in conjunction with criteria (iii) whereby development to support the retention of services is only supported where this has been the subject of an effective community involvement exercise. The applicant has provided a Statement of Community Involvement that explains how a leaflet and request for feedback was circulated in June 2020. It is accepted that the COVID-19 pandemic will have curtailed the effectiveness of any community engagement but Officers are nevertheless not satisfied that criteria (iii) of R1 is properly complied with. Few, if any, of the numerous comments from local residents responding to either the applicant's consultation or the application itself make reference to the possible retention of the no.87 bus service. This suggests the matter is not truly reflective of the type of circumstances wherein Policy R1 aims to encourage further rural development.
- 9.12. The application is for a conventional development that, whilst policy-compliant in terms of affordable housing, is led by market housing. It therefore also does not comply with any of the exceptions to development outside village confines established in Policy LH1 of the Part 2 Local Plan and is inconsistent with the urban-focussed settlement hierarchy established in Policy SS1.
- 9.13. The applicant considers that each of the policies referenced above are 'out of date' for decision-making purposes by virtue of the Council being unable to demonstrate a five-year housing land supply. The Council's position in this respect it outlined in the April 2020 Land Supply report. All relevant policies are considered to have full weight and as such it remains the case that the development is a departure from adopted policy that is not justified by material considerations. This planning balance is weighed in detail below.

#### *Conclusion*

- 9.14. The Council can demonstrate a five-year housing land supply and as such all relevant Development Plan policies are considered up to date and paragraph 11(d) of the NPPF does not apply.
- 9.15. Paragraph 12 of the NPPF reiterates Section 38(6) of the Planning & Compulsory Purchase Act (2004) by stating that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In this case there must be material planning considerations sufficient to outweigh any identified conflict if the application is to be granted planning permission. The following are considered to be relevant material considerations to weigh in this balance:
- National Planning Policy in the NPPF, in particular the Government's objective in paragraph 59 to significantly boost the supply of homes (an objective that is likely to continue in the future as per "Planning for the Future", the recent Government white paper).

- The requirement in paragraph 73 of the NPPF to identify specific and deliverable sites to provide for a **minimum** (Officer emphasis) of 5 years' worth of housing against their strategic requirement.
- The development will provide 50% affordable housing – a matter to be given considerable weight in light of ongoing shortages in affordable housing across the District.
- Biodiversity net gains could be delivered on the site, which presently has only limited habitat value;
- The applicants are offering a contribution of around £1,000 per dwelling to support the continued retention of the no.87 bus service serving Greens Norton.
- The development will incorporate new publicly accessible open space in an area not presently available for leisure or recreation. The weight to be given to this is limited by fact there is not a recognised dearth of such areas in Greens Norton and the proposed provision will most likely simply serve the new population on the site.

9.16. The full weighing up of the planning balance is considered further in Paragraph 11 of this report. However, in respect of the acceptability in principle of development, Officers are of the view that these material considerations do not outweigh the explicit conflict with the Development Plan that has been identified, even when taken cumulatively.

Landscape and visual impacts;

*Policy context*

9.17. JCS Policy R1 requires development to not affect open land which is of particular significance to the form and character of the village; to preserve and enhance areas of historic or environmental importance including those identified in Village Design Statements and to be of an appropriate scale to the settlement. Policy S1 (criteria D) requires development in the rural areas to be limited, with the emphasis on respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities.

9.18. Policy SS2 of the Part 2 Local Plan 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*

9.19. The application is in outline with layout and scale reserved for future determination. It is nevertheless accompanied by an indicative layout that demonstrates how up to 69 dwellings could be arranged on the site by way of a single access road with various loops and cul-de-sacs stemming from this. This indicative layout would be edged by open space with drainage infrastructure integrated within it.

9.20. The application is also supported by a Landscape Visual Impact Assessment (LVIA) that concludes development of the site will have limited and highly localised visual effects, with adverse effects restricted to existing properties on Benham Road and

Falcon View whose westwards views would be irrevocably altered from a rural to developed context.

- 9.21. Notwithstanding its location outside of the village confines, Officers are satisfied that the proposed development would generally be well-related in visual terms to the existing village and that the site does not represent particularly valuable characteristics of the wider landscape character area in which it is situated (the Tove Catchment of undulating claylands). The presence of Bury Hill to the immediate west of the application site would provide a substitute for Benham Road in terms of being a long-term defensible edge to the settlement. It is also accepted that this edge could be developed in a higher-quality manner than the existing approach into the village, which is characterised by the rear boundaries of properties on Benham Road. The indicative layout instead shows outward facing properties and managed landscaping, both of which could and would be secured to a high specification in reserved matters.
- 9.22. The proposed development stands in stark contrast to previous proposals on the site by virtue of omitting the field to the immediate south. This has generally positive implications in landscape terms by restricting the overall bulk and physical scale of the development and reducing longer-distance visibility to/from the south in the valley between Bradden and Greens Norton. However, it also means development is restricted to the more elevated portion of the two fields, which would be more visible on the westwards approach into the village.
- 9.23. It is commonly accepted by all parties that this western edge of Greens Norton is more tranquil than other approaches into/out of the village, and is thus more susceptible to harmful effects from development. However, Officers are of the view that the reduction in size of the development and prevailing context is such that wider landscape harm is limited, as per the findings of the submitted LVIA. However, there is nevertheless still localised harm resulting from the loss of an area of land that clearly forms part of the village's transition to open countryside. In the opinion of Officers, this is not outweighed by the potential of achieving a higher-quality edge to the settlement after development, particularly as the existing interface between the village and surrounding countryside is well established and itself not appreciable over long distances.

#### *Conclusion*

- 9.24. The proposed development would be relatively self-contained with visual impacts restricted to the immediate locality without a prominence in the wider landscape significantly greater than existing settlement edge. However, the development would still result in the loss of an open field that clearly forms part of the western edge of Greens Norton's transition to open countryside. It is therefore contrary to Policy R1(b) of the JCS and Policy SS2(1a).

#### Impacts on the local highway network

##### *Policy context*

- 9.25. Policy C2 of the JCS 2014 requires development to mitigate its impacts on highway safety. Policy SS2 of the Part 2 Local Plan requires development to include a safe and suitable means of access for all people including pedestrians, cyclists and those using vehicles.
- 9.26. The NPPF also requires provision of a safe and suitable access for all users. Paragraph 109 however makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe (Officer emphasis).

### *Assessment*

- 9.27. Access is not a reserved matter and, as such, the application is supported by a Transport Assessment (TA) and drawings showing the specification of the new access junction onto Blakesley Hill. The new junction will be a priority 'give-way' t-junction, located approximately midway along the site's northern boundary with Blakesley Hill.
- 9.28. Achievable visibility splays are 2.4m x 101.2m to the east, and 2.4m by 96.3m to the west. The applicant has demonstrated by way of a longitudinal cross-section that visibility to the west over the crest in the road is available in the vertical plane over the distance required and as such remains acceptable in accordance with the Manual for Streets.
- 9.29. In all instances required visibility has been calculated with reference to 85<sup>th</sup> percentile speeds recorded by survey in March 2020 and adjusted upwards for weather conditions. The recorded speeds are considered to represent a worst-case scenario due to the fact the development would also propose to relocate the 30mph speed limit with a new gateway entrance feature to west of Bury Hill.
- 9.30. Pedestrian access will be facilitated by widening the existing surfaced footway to 2m and tying it into existing footways to the east, as well towards Bury Hill to the west.
- 9.31. At the request of the Local Highway Authority the applicant has provided swept-path analysis that demonstrates the proposed new access would be able to accommodate a refuse vehicle safely. On this basis it is considered the development has demonstrated a safe and suitable means of access.
- 9.32. Aside from the physical access arrangements needed to serve the site, the development will also have an impact on local highway conditions in Greens Norton, particularly as modelling indicates 99% of vehicle movements from the site will exit right towards the village centre. In total the development has the potential to generate 41 two-way vehicle movements during the morning peak hour, and 44 two-way vehicle movements during the evening peak hour.
- 9.33. A considerable number of public comments on the proposals refer to these impacts as being unacceptable within the village. Whilst the village undoubtedly suffers from through-traffic and localised congestion that is exacerbated by parked cars, there is no evidence that additional impacts from the development would be severe enough to justify refusal on these grounds under the terms of paragraph 109 of the NPPF. It should be noted in particular that a larger development of 128 dwellings was considered just four years ago and deemed acceptable in highways terms. Local circumstances have not materially altered since that time and, as such, Officers have no reason to now reach a different conclusion in highway safety terms for a smaller development.

### *Conclusion*

- 9.34. In light of Highway Authority advice, there is no evidence to demonstrate that a safe and suitable access cannot be achieved and that the development would result in significant or severe impacts on the highway network or an unacceptable impact on highway safety. Therefore the proposal complies with the relevant policies and paragraphs 108-109 of the NPPF.

## Impacts on the Strategic Road Network (including cumulative impacts)

### *Policy context*

- 9.35. The policy context outlined above for impacts on the local highway applies equally to the Strategic Road Network, with Highways England having a statutory duty to manage effects on this separately to the Local Highway Authority.

### *Assessment*

- 9.36. Highways England have been consulted on the proposals due to Greens Norton's proximity to both the A43 and A5 trunk roads and the likelihood of traffic generated by the development utilising both the Abthorpe roundabout on the A43 and the A5/A43 roundabout further north. Both of these roundabouts are signalised.
- 9.37. Highways England raise no objection to the development and have specifically confirmed that this position would not alter even if the development is considered cumulatively with other major housing proposals pending elsewhere in Greens Norton (76 dwellings off Mill Lane; to be reported to a future committee meeting). In summary, this is because the effects of the two developments only partially overlap, with over two-thirds of movements from the Blakesley Hill site forecast to be in the direction of the A5/A43 roundabout with almost the entirety of the Mill Lane site's movements instead directed towards the Abthorpe roundabout.
- 9.38. The position of Highways England is consistent with the conclusion reached for the larger development of the site in 2016, which was considered to have an acceptable impact on the A5/A43. The reduction in size of the development as well as recent and ongoing improvements to the Strategic Road Network in this location further support this conclusion. As such it is considered the development will be acceptable in terms of impacts on the Strategic Road Network.

### *Conclusion*

- 9.39. In light of Highways England advice, there is no evidence to demonstrate the development will have a significant or severe impact on the Strategic Road Network. The proposal complies with the relevant policies paragraphs 108-109 of the NPPF.

## Drainage

### *Policy context*

- 9.40. JCS policy BN7 requires appropriate flood risk assessment to be completed and for development not to result in an increased risk of flooding to existing or proposed properties. Policy SS2 of the Part 2 Local Plan also requires development to be adequately serviced with infrastructure and to consider flood risk.

### *Assessment*

- 9.41. The application is supported by a Flood Risk Assessment and Drainage Strategy that were originally regarded as unsatisfactory by the Lead Local Flood Authority due to technical deficiencies in how discharge rates and connectivity into surrounding drainage ditches had been demonstrated.
- 9.42. The applicant has subsequently prepared a revised drainage strategy that is now acceptable to the Lead Local Flood Authority. The proposed outfall to an existing drainage ditch has been removed in favour of an infiltration-based strategy with additional storage volume created beneath the attenuation basin that is proposed in

the south-west corner of the site. A swale along the southern boundary of the site will be utilised to direct surface water from the eastern part of the site to the attenuation basin. The indicative drainage strategy shows that earthworks in the south-east corner of the site may be required in order to achieve a gravity connection from all plots. These works will be up to one metre in height and are not considered by Officers to adversely affect the achievability of an appropriate layout in due course, as any raised area would be a logical place to locate bungalows that would be a requisite part of a future housing mix under Policy LH10 of the Part 2 Local Plan.

- 9.43. In terms of foul drainage, the development is proposed to discharge to existing Anglian Water sewers in the vicinity of the site and to utilise a pumping station to achieve this due to the prevailing topography. Anglian Water were consulted on the application and raise no objection subject to conditions and informatives regarding future connectivity. As a statutory undertaker they have a duty to accept additional flows. Furthermore, should sewer capacity require upgrading to take flows from the development, this may be dealt with by way of Anglian Water's zonal charging system with a fee that is levied from developers outside of the planning process to fund necessary improvements to sewerage infrastructure.
- 9.44. Comments have been raised by third parties as to the efficacy and appropriateness of a pumping station to deal with foul drainage. Whilst it may not be ideal to rely on mechanical solutions, pumping stations are commonly used and there is no reason for the Council to withhold permission on this basis, particularly as the necessary *cordon sanitaire* could be provided without adversely affecting the number of dwellings proposed. The matter could be further regulated by way of conditions to secure the ongoing maintenance of drainage systems if they are not adopted by Anglian Water.

#### *Conclusion*

- 9.45. It has now been demonstrated to the satisfaction of the Lead Local Flood Authority that the development would be appropriately drained of surface water without increasing flood risk. The application is therefore consistent with Policy BN7 of the JCS and SS2 of the Part 2 Local Plan.

#### Impact on archaeology

##### *Policy context*

- 9.46. Policy HE2 of the Part 2 Local Plan and Policy BN5 of the JCS explains 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.

##### *Assessment*

- 9.47. The application is supported by a desktop assessment that relies upon the results of a geophysical survey to ascertain the risk of the development harming archaeological assets is low. The County archaeologist has reviewed this assessment and agrees that archaeology is unlikely to represent an overriding constraint to the development. Nevertheless they recommend that should permission be granted, this should be subject to conditions requiring further intrusive work. In particular, it is noted that the geophysical survey and existing records indicate both the presence of unidentified linear features within the site as well as cropmark activity to the west.

### *Conclusion*

- 9.48. Subject to such conditions, the development would be consistent with the relevant policies concerning archaeology.

### Impact on protect species

#### *Legislative context*

- 9.49. 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.
- 9.50. 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*

- 9.51. 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.
- 9.52. 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.
- 9.53. 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.

- 9.54. 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.
- 9.55. 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*

- 9.56. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is bordered by hedgerows that potentially provide foraging habitats for various species. There is also a pond opposite the site on the other side of Blakesley Hill that is potentially suitable for newts.
- 9.57. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.58. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.59. The application is supported by a detailed protected species survey which concluded that the site is of suboptimal habitat value, with existing biodiversity restricted to the vegetation around the site which will largely remain in place after development and can be protected and supplemented to achieve net gains. The survey also concludes that newts are likely to be present in the pond on the other side of Blakesley Hill. This is not considered to represent an overriding constraint to development, particularly as the site is separated from the pond by a well-trafficked road and a mitigation strategy can be put in place. The accompanying ecology

report outlines various measures that can be used to minimise the likelihood of harm to great crested newts, which could be secured by condition alongside any necessary supplementary measures.

- 9.60. Advice from the Council's ecologist is awaited and will be reported in written updates. On the basis that previous proposals for the site were not refused for ecology reasons, it is provisionally concluded by officers that subject to conditions, the welfare of any EPS 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. Any change to this conclusion will be reported in written updates.

#### Agricultural land quality

##### *Policy context*

- 9.61. Policy SS2(1h) of the Part 2 Local Plan states that development should not result in the loss of the best and most versatile agricultural land or valued soils (those classed as Grade 1, 2 or 3a).

##### *Assessment*

- 9.62. The application is supported by an agricultural land quality report that covers both the field of the application site and the field to the immediate south. It concludes that the northern field (i.e. the site as now proposed) is almost entirely Grade 3b land other than a small section towards the north that is Grade 2.
- 9.63. In this context it is concluded that the development would not result in the loss of best and most versatile land, as the small section of Grade 2 land at the north of the site is too small to farm in its own right.

##### *Conclusion*

- 9.64. The development would comply with Policy SS2(1h) regarding best and most versatile land.

#### Impact on local infrastructure and section 106 matters

##### *Policy context*

- 9.65. Policies INF1 and INF2 of the JCS as well as Policy INF1 of the Part 2 Local Plan require new development to be supported by appropriate infrastructure.

##### *Assessment*

- 9.66. The application would have an effect on the following infrastructure, which may need to be improved and/or enhanced as a result of the development:
- Early Years – the County Council were unable to determine what the current capacity is and likely impact of this development on demand for Early Year places. However, should there be an identified lack of capacity to absorb the proposed development then a contribution should be secured based on Department for Education cost multipliers for Early Years.
  - Primary Education provision – Greens Norton CEVC Primary School would most likely serve the development. However, the school is currently operating close to the recommended Department for Education's capacity

thresholds. Furthermore, when considering the cumulative impact of existing permitted and pending development proposed in the surrounding area, limited levels of capacity in neighbouring schools and current forecasts indicating continued high levels of demand for places, it is expected that there will not be sufficient capacity to accommodate the pupils from this proposed development without additional provision being made available in the area.. Based on the DfE's cost multipliers and assuming an average dwelling mix, a contribution of **£274,068** (dependent on final dwelling mix) would be required to mitigate the impacts of the development

- Library provision – the County Council have requested a contribution of **£16,491** (dependent on final dwelling mix), which is required to contribute towards improvement, enhancement or expansion of library facilities to serve the development.
- Public Transport – the development proposes a contribution of £1,000 per dwelling to be put towards the no.87 bus service in accordance with the requirements of the local highway authority. A one month travel card for each dwelling would also need to be provided.
- Off-site highway improvements – the development proposes the relocation of the 30mph speed limit and village gateway feature to the west of the site. This would need to be secured in the s106 agreement alongside other necessary improvements to walking/cycling infrastructure.
- Affordable Housing Provision – the development would need to provide on-site affordable housing at 50% with a split between 70% social/affordable rent and 30% intermediate tenures.
- Healthcare Provision – NHS Northamptonshire CCG have advised that whilst traditionally s106 requests made by health to support new developments have been centred around the capacity and development needs of a single GP Practice, there is now a move towards new health care models on a larger scale involving multiple organisations including primary care. These organisations will focus collectively, rather than separately, on the needs of the local people they serve, with general practice being at the heart of patient care. This change is driving the way that estates health infrastructure is developed, therefore whilst CCGs/NHSE&I still require infrastructure investment to be made by developers to cover the health needs of the new population brought to the area, the precise location of the Practice providing additional services cannot always be identified at the point when the initial response is made to a planning application. Practices in the area have already formed groupings known as Primary Care Networks (PCNS), and under the NHS Direct Enhanced Service they have established and formalised agreements. Primary care networks are based on GP registered lists, typically serving natural communities of around 30,000 to 50,000 and will build on the core of current primary care services to enable greater provision of proactive, personalised, coordinated and more integrated health and social care. PCNs will act as the vehicle for the delivery of the local services across primary, community, secondary and social care services. Greens Norton and Weedon Medical Centre is the nearest facility to the development and is therefore most likely to be affected and require existing premises to be developed to accommodate growth. A total of **£35,079.92** is requested towards this.
- Refuse and recycling provision - £70 per dwelling for provision of bins (index linked).

- Financial contribution to provision and maintenance of off-site playing fields.
- Provision and maintenance of on-site play and open space facilities.

### *Conclusion*

9.67. The development would result in the need for improvements and enhancements to local infrastructure in order to mitigate its impact. Financial contributions to this effect would need to be included in a s106. Such an agreement would not be prepared unless and until the Council resolved to grant permission. As such, given the application is recommended for refusal, a s106 remains absent and as a result the application does not comply with the relevant policies concerning infrastructure and so this matter is given as an additional reason for refusal should the committee resolve to refuse permission.

### HUMAN RIGHTS AND EQUALITIES

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

9.69. 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 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:  
<http://www.southnorthants.gov.uk/7143.htm>).

## **11. PLANNING BALANCE AND CONCLUSION**

11.1. The benefits of the proposed development may be summarised as:

- Provision of market housing to assist with the Government's objective to significantly boost the supply of homes;
- A policy compliant level of affordable housing of 50%, meaning up to 35 affordable dwellings to meet the District's identified need.
- A contribution towards (and potentially increased patronage of) the no.87 local bus service to assist in its retention for local users;
- Provision of new public open space, which together with the above benefits contributes towards the social aspect of sustainable development;

- Generic economic benefits in respect of construction and supply-chain logistics as well as retaining local spend, contributing to the economic dimension of sustainable development;
- Biodiversity net gains, contributing to the environmental dimension of sustainable development.

11.2. Matters weighing against the proposal may be summarised as:

- The development is located outside the settlement confines of Greens Norton, directly in conflict with Policy LH1 of the Part 2 Local Plan and Policy R1 of the JCS;
- The size of the development is not considered to be appropriate to the existing settlement of Greens Norton, which is a category A Secondary Service village, in conflict with Policy SS1 of the Part 2 Local Plan and Policy R1 of the JCS;
- The development will result in localised landscape harm via the permanent loss of an undeveloped field that forms an area of transition between the edge of Greens Norton and open countryside.
- The Council can demonstrate a five-year housing land supply, demonstrating that the strategic needs of the District are being met by its urban-focussed strategy and existing rural commitments without the need for additional sites.

11.3. In conclusion it is considered that the benefits of the development are not sufficient to outweigh the identified conflict with the Development Plan. As such, there are no material considerations that weight in favour of the proposals to the extent that a departure from the Development Plan is justified in accordance with Paragraph 12 of the NPPF.

## **12. RECOMMENDATION**

### **REFUSAL FOR THE REASONS SET OUT BELOW**

**Further Recommendation - In the event that the planning committee refuse to grant planning permission the Assistant Director for Planning and Economy seeks delegated authority to agree the content of a S106 Agreement in the event that an appeal is received.**

#### REASONS FOR REFUSAL

1. The application site lies outside the settlement confines of Greens Norton as designated in in the adopted South Northamptonshire Local Plan (Part 2) and is therefore in open countryside. The adopted Development Plan seeks to focus new development within the settlement boundaries of settlements and be of an appropriate scale to the existing settlement. The development proposed would therefore conflict with an up to date and adopted Development Plan, in particular Policy R1(e) and R1(g) of the adopted West Northamptonshire Joint Core Strategy 2014 and Policies SS1 and LH1 of the adopted South Northamptonshire Local Plan (Part 2). In addition, to permit the development would conflict with paragraphs 12 and 47 of the National Planning Policy Framework.
2. The development would result in localised landscape harm through the loss of an undeveloped field that forms part of the open countryside setting of Greens

Norton, adversely affecting the character of this part of the village. The development would therefore conflict with Policy R1(b) of the 2014 West Northamptonshire Joint Core Strategy, Policy SS2(1a) of the South Northamptonshire Local Plan (Part 2), and paragraph 170 of the NPPF.

3. Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy 2014 are concerned with infrastructure and developer contributions, and state that 'developers will be expected, in negotiation with the Local Planning Authority to make provision for related infrastructure and community facilities the need for which arises from the development'. This is consistent with the National Planning Policy Framework. In the absence of a signed legal undertaking the Council cannot be satisfied that the development proposal would make sufficient provision to mitigate the impacts of the development on existing community services and infrastructure serving the development including early years and primary education infrastructure; affordable housing; public open space and facilities (including maintenance); public transport and off site highway improvements; refuse/recycling infrastructure; libraries and primary healthcare infrastructure. The application is therefore contrary to Policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy 2014, Policies LH8, INF1 and GS1 of the South Northamptonshire Local Plan (Part 2) and the adopted Supplementary Planning Document 'Developer Contributions' (December 2010).

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