

Case Officer **Carolyn Tait****19/01355/OUT**

Date received	Date valid	Overall Expiry	Ward	Parish
<b>6<sup>th</sup> August 2019</b>	<b>20<sup>th</sup> August 2019</b>	<b>15<sup>th</sup> Nov 2019</b>	<b>Oundle</b>	<b>Oundle</b>

Applicant **Mr Matthew Harmsworth - Persimmon Homes**Agent **NA**

Location Land Between St Christophers Drive And A605 Oundle Bypass, Oundle, Northamptonshire

Proposal **Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access).**

The application is brought before the Planning Management Committee because it is a “major” residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2019).

Please note: At the time of writing this report, consultations are ongoing with an expiry date of 4<sup>th</sup> November 2019. This followed the receipt of revised plans and associated documents received on the 18<sup>th</sup> and 25<sup>th</sup> October 2019. Therefore any comments received between the completion of the report and the Planning Management Committee will be reported and addressed on the update sheet.

## 1 Summary of Recommendation

1.1 Recommendation: That planning permission be refused for the following reason(s):

***The applicant has failed to demonstrate that the proposed extra care provision would be a suitable alternative to the provision of affordable housing across the site and as such the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy 30 d) and e) of the North Northamptonshire Joint Core Strategy.***

## 2 The Proposal

2.1 This is an outline application for up to 65 market dwellings with an extra care facility to provide up to 65 units. All matters are reserved except for the proposed access to the site.

2.2 A vehicular access is proposed off St Christopher’s Drive. This would be the only vehicular access to the site. A pedestrian access is proposed to the school.

2.3 The following documents and plans have been submitted as part of the application:

- Landscape and Visual Impact Assessment;
- Design and Access Statement;
- Air Quality Assessment;
- Travel Plan;

- Sustainability Assessment;
- Statement of Community Involvement;
- Housing Statement;
- Planning Statement;
- Flood Risk Assessment;
- Noise Assessment;
- Transport Assessment;
- Building Heights Parameters Plan;
- Landscape Strategy;
- Land Use Plan;
- Mini Bus Tracking;
- Proposed Planning Layout;
- Open Space Assessment;
- Tree Protection Survey;
- Contaminated Land Assessment;
- Archaeological Report;
- Utility Assessment.

### **3 The Site and Surroundings**

- 3.1 The site is located on the south eastern edge of Oundle and is approximately 4.9 hectares in area. The north of the site is bounded by Ashton Road, a public Bridleway (UF6) and beyond that is the Nene Valley Business Park. To the east is the A605. To the south is Prince William School and playing fields and to the west is existing residential development.
- 3.2 The site is relatively flat although there are small level changes within the centre of the site and the south eastern parts.
- 3.3 The site is located within the Nene Valley Nature Improvement Area (NIA). There is a row of protected trees to the north west of the site and a cluster to the south west corner. The Conservation Area is approximately 270 metres to the west.

### **4 Policy Considerations**

- 4.1 National Policy and Guidance  
 National Planning Policy Framework (NPPF) (2019)  
 National Planning Practice Guidance (NPPG)  
 National Design Guide (2019)
- 4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)  
 Policy 1 - Presumption in Favour of Sustainable Development  
 Policy 2 - Historic Environment  
 Policy 3 - Landscape Character  
 Policy 4 - Biodiversity and Geodiversity  
 Policy 5 - Water Environment, Resources and Flood Risk Management  
 Policy 6 - Development on Brownfield Land and Land Affected by Contamination  
 Policy 7 - Community Services and Facilities  
 Policy 8 - North Northamptonshire Place Shaping Principles  
 Policy 9 - Sustainable Buildings  
 Policy 10 - Provision of Infrastructure  
 Policy 11 - The Network of Urban and Rural Areas  
 Policy 13 - Rural Exceptions  
 Policy 19 - The Delivery of Green Infrastructure

- Policy 20 - Nene and Ise Valleys
  - Policy 22 - Delivering Economic Prosperity
  - Policy 23 - Distribution of New Jobs
  - Policy 28 - Housing Requirements
  - Policy 29 - Distribution of New Homes
  - Policy 30 - Housing Mix and Tenure
- 4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
- Policy 2 - Windfall Development in Settlements
  - Policy 4 - Green Infrastructure
  - Policy 5 - Transport Network
- 4.4 Oundle Neighbourhood Plan (ONP) (Examination Version, May 2019)
- Policy O1 - The Settlement Boundary
  - Supporting Action 1 - The Settlement Boundary
  - Policy O2 - Local Green Space
  - Policy O5 - The Provision and Enhancement of Open Space
  - Policy O6 - Achieving High Quality Design
  - Policy O7 - Protecting Important Views
  - Policy O14 - Circular Cycle / Pedestrian Network
  - Policy O15 - Housing Site Allocations
  - Policy O16 - Housing Mix
  - Policy O23 - Developer Contributions
- 4.5 East Northamptonshire Draft Local Plan (LP2) (currently deferred pending the outcome of the Oundle Neighbourhood Plan Examination)
- Policy EN1 - Spatial Development Strategy
  - Policy EN2 - Settlement Boundaries – Urban Areas
  - Policy EN7 - Green Infrastructure Corridors
  - Policy EN10 - Enhancement and Provision of Open Space
  - Policy EN11 - Enhancement and Provision of Sport and Recreation Facilities
  - Policy EN12 - Design of Buildings
  - Policy EN24 - Oundle Housing Allocations
  - Policy EN27 - St Christopher's Drive, Oundle
  - Policy EN28 - Housing Mix and Tenure
  - Policy EN32 - Self and Custom Build Housing
- 4.6 Other Documents
- Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
  - Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
  - East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
  - East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
  - East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)
  - Developer Contributions Supplementary Planning Document (2006)
  - Open Space Supplementary Planning Document (2011)
  - Trees and Landscape Supplementary Planning Document (2013)
  - Northamptonshire County Council Planning Obligations Framework and Guidance Document (January 2015)
  - East Northamptonshire Council - Open Space and Playing Pitch Strategy (2017)
  - Northamptonshire County Council - Minerals and Waste Local Plan (2017)

## 5 Relevant Planning History

- 5.1 13/00216/SCR Request for Screening Opinion for proposed residential development. Answered 26.06.2013.
- 5.2 13/01245/OUT Outline: Residential development of up to 95 houses (all matters reserved). Refused 17.10.2013.

## 6 Consultations and Representations

### 6.1 Neighbours

23 letters of objection received, points raised are summarised as follows:

- Why build houses next to a main road?
- The Council has already made its mind up.
- Ashton Road is not easy to negotiate.
- Flooding / foul waste issues.
- The sewerage system can't cope.
- Would ruin the historic town.
- This site has previously been turned down at appeal.
- This site has constraints that other sites do not.
- The Oundle Neighbourhood Plan is at an advanced stage.
- The site is not in the Oundle Neighbourhood Plan.
- The site would be better for another use such as an extension to the school.
- Noise and air pollution.
- Piling would cause disruption during construction.
- Concerns regarding the use of SuDS.
- Access is not suitable for emergency vehicles.
- Increase congestion and traffic accidents.
- No local bus stop.
- Insufficient parking.
- There are better sites for extra care provision.
- The developer is not offering anything to benefit the residents, other sites have better offers.
- The developer is profit focussed.
- Inaccuracies within the Flood Risk Assessment.
- Would be premature to determine.
- Why does the proposal include extra care provision when it is not viable?
- There are insufficient facilities within the town.
- Green spaces belong to Oundle School and land for leisure is limited.
- This application should be deferred until the Neighbourhood Plan is 'Made'.
- Direct access should be off the A605.
- The previous refusal reasons remain valid.
- Questions regarding the consultation process.
- The primary school is too far away for walking.
- Not well related to existing services or facilities.
- Appeal cases have been provided which are considered to give prematurity arguments.
- Loss of agricultural land.
- Noise during construction.

A letter has also been received from the three Ward Members for Oundle, which is summarised as follows:

- Support for the Oundle Neighbourhood Plan.
- The proposal conflicts with policies 1 and 2 of the Rural North Oundle and Thrapston Plan.
- The Inspector referred to the site as not being “sustainable development”.
- The entrance to the site could not accommodate the traffic.
- Roads must be suitable and bus access should be provided.
- Emergency access is required.
- Overlooking.
- Four storey building would block views.
- Insufficient parking.
- The developer has refused to provide assets for the Town.

## 6.2 Oundle Town Council

*Comments received 18.09.2019:* Object for the following reasons:

“We write today regarding the Outline Planning Application above, and to confirm that during consideration of it, East Northants Council will give due weight and consideration to the progress of the Oundle Neighbourhood Plan. For the sake of completeness, we would remind you that our amended Neighbourhood Plan was submitted to ENC on May 24th 2019; you commented on it on July 9th that it was “in general conformity with relevant national and local strategic policy”, and it underwent Regulation 16 Consultation July 12th-August 27th 2019. As we write, we await the plan being sent to the Examiner in the next few days.

As you will know, the site referred to in Outline Planning Application 19/01355/OUT is not in the Oundle Neighbourhood Plan, and we believe that this in effect places it in conflict with the current National Planning Policy Framework, in particular Paragraphs 48-50 – which can be found at <https://www.gov.uk/guidance/determining-a-planning-application>.

This section of NPPF explicitly raises the question in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Paragraphs 48-50 specifically explain how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature.

In particular, it notes “Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);” (para 48) which suggests that given the very advanced state of the Oundle Neighbourhood Plan, greater weight should be attached to its relevant policies.

We would further note that the two circumstances mentioned in NPPF para 49 that permit a premature application to be refused planning permission are both absolutely in play in 19/01355/OUT, in that –

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan;

and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Given that 19/01355/OUT might take nearly a quarter of Oundle's required housing allocation by 2031, it is certainly so "substantial" as to skew the emerging Neighbourhood Plan – and the emerging Neighbourhood Plan is certainly far enough advanced (particularly in terms of public acceptance and engagement) to shape the development plan of Oundle.

The view that Outline Planning Application 19/01355/OUT is absolutely in contradiction to NPPF Paragraphs 48 and 49 is backed up by the findings of examiners and the Secretary of State in both Rendlesham (February 2015 App C/12/2408) and Sedlescombe (March 2015 APP/U1430/A/14/2219706); and on this basis, we request ENC at the very least defer their decision on Outline Planning Application 19/01327/OUT until after the Oundle Neighbourhood plan has had a chance to progress fully through Examination and referendum. However, given the issues raised by Oundle Town Council about access, noise, and surface flooding and drainage infrastructure, we would assume that ENC would in fact follow Oundle Town Council's Planning Committee's example and reject Outline Planning Application 19/01355/OUT".

A 10 page letter has also been received from Oundle Town Council's Planning Committee which can be summarised as:

- The site is not allocated in the current Local Plan;
- The Council has a five year supply of houses;
- The Neighbourhood Plan does not allocate this site and the Local Plan policies are not supported by Oundle;
- Without this site, Oundle's housing need can be met through alternative sites;
- The previous reason for refusing this site remains valid;
- The site has numerous constraints such as noise;
- The site is outside of the settlement boundary;
- There is no substantive case for changing the settlement boundary;
- The site could be used for other potential uses;
- A second point of access should be provided;
- Increased traffic congestion and safety of vulnerable road users;
- Loss of trees;
- Residents would be isolated and would be car dependent;
- Concerns with noise, even after proposed mitigation;
- There are other sites available that have a lower risk of flooding;
- Levels of the site would need to be amended to accommodate the proposed drainage;
- The site is at risk of surface water flooding;
- Foul drainage issues;
- Proposed nuisance from the pumping station;
- There is a moderate risk of ground gases being present at the site;
- Very limited S106 contributions to Oundle;
- The proposal does not demonstrate sufficient parking;
- The proposed extra care facility is not sited appropriately;
- Concerns with issues arising during construction.

### 6.3 Northamptonshire County Council – Local Highway Authority (LHA)

*Comments received 13.09.2019:*

“Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

The LHA requires any carriageway serving a bus route to be a minimum of 6.5 metres wide however the existing carriageways (Ashton Road, Sutton Road & St Christopher's Drive) leading to the proposed Development site are 5.5 metres wide. The applicant shall need to seek written confirmation for the bus operator that this route is acceptable otherwise the LHA would have to object to the proposals given the walking distances to the nearest alternative bus stop.

Whilst the internal layout of the site does not form part of this application please note that all private drives shall serve no more than 5 dwellings and that all carriageways serving up to 20 dwellings shall comprise a minimum 4.8m wide carriageway width with 1.5m service margins either side of the carriageway (40mm upstand to form a channel line) as per our emerging standards.

The LHA is against the dependency of tandem parking where there is the possibility of parallel parking spaces or driveways. This is because of the difficulty with exiting tandem spaces and it often leading to on street parking for easier accessibility to the resident's vehicles.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way. I trust this assists”

The following request has been made regarding transport and bus services:

- A contribution of £1,000 per dwelling which would be used to develop a town bus service within Oundle. As the Transport Assessment states, bus service X4 operates half-hourly from the centre of Oundle to Peterborough, Corby, Kettering, Wellingborough and Northampton. A town bus service would provide connections into this service in addition to catering for journeys within Oundle.
- The Transport Assessment refers to providing funding for the CallConnect demand responsive service. However this ceased serving Oundle at the beginning of September and therefore the bus service contribution would be for a fixed-route minibus town service.
- The Transport Assessment refers to there being one access point to the Site from St. Christopher's Drive. This access would need to be suitable for minibus operation, as would the rectangular loop road shown on the Proposed Planning Layout.
- Provision would be required for one bus stop pole with a raised boarder and shelter, at the location shown on the Proposed Planning Layout.
- One voucher per household providing free travel on a town bus service for a period of 28 days. Similar provision would be required for all staff working at the on-site care home when it opens.

#### 6.4 Northamptonshire County Council – Education and Libraries

*Comments received on 23.10.2019:* Can be summarised as:

- A development of this size is likely to generate approximately 20 Early Years pupils, 15 Primary School pupils and 11 Secondary and Sixth-form age pupils.
- An Early Years contribution is necessary.
- Oundle C of E Primary School is operating at 97% capacity and as such Primary Education contribution will be required.
- A Secondary Education contribution is required due to all of the proposed development that is planned in Oundle and the cumulative impact that it will have.
- Four fire hydrants are required, which can be secured by condition.
- A contribution towards libraries is required.
- The developer should consider registering the scheme early for broadband provision.

(Refer to Appendix 1 for further details)

#### 6.5 Northamptonshire County Council – Ecology

*Comments received on 18.09.2019:*

"I'm writing in response to your consultation on the above application for up to 65 dwellings plus a care home on land at St Christopher's Drive, Oundle. The site appears to have quite low ecological value, although the sycamore trees along the northern boundary do have low bat roost potential. The outline plans indicate that this entire tree belt would be retained, however if any works to the trees need to be undertaken they will need to be carefully stripped of ivy and checked first to ensure they are not being used by bats.

Given the proposed extent of public open space a Landscape and Ecological Management Plan (LEMP) should be conditioned to ensure appropriate landscaping management for biodiversity. The recommended condition wording from BS42020 is:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still



delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details”.

6.6 Northamptonshire County Council – Rights of Way

No comments received.

6.7 Northamptonshire County Council – Lead Local Flood Authority

*Comments received on 30.08.2019:*

“Thank you for consulting us on the above planning application.

Having reviewed the submitted surface water drainage information located within:

1) Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd.

We consider that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding.

**Condition**

Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures;
- ii) Details of the drainage system are to be accompanied by full and appropriately cross referenced supporting calculations;
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices;
- iv) BRE 365 infiltration test results;
- v) detailed scheme for the ownership and maintenance for every element of the surface water drainage system.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

**Condition**

All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the

Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

#### Condition

No Occupation shall take place until the Verification Report for the installed surface water

drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles;
- b) Any As-Built Drawings and accompanying photos;
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc;
- e) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

#### Informative

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

Please note that our comments only cover the surface water drainage implications of the proposed development”.

### 6.8 Northamptonshire County Council – Archaeology

*Comments received on 23.09.2019:*

“The site is located at the south eastern edge of Oundle, bounded to the east by the A605. It has been evaluated previously in connection with an earlier application; the applicant has provided the evaluation reports.

The evaluation confirmed that while the western part of the site has been subject to quarrying, the north eastern part contains evidence for Iron Age activity. On the opposite side of the A605 are extensive cropmarks indicative of Iron Age settlement remains and the results of the evaluation would suggest that this site forms part of that settlement.

On this basis a programme of mitigation in the form of a small open area excavation is required to address the impact of the proposals on the archaeological remains present. This should be secured by condition on any consent given and should be carried out in advance of any development works within the area of interest.

The proposed development will have a detrimental impact on the archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this, please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

Please note that our standard archaeological condition has been updated and now reads:

**Condition:**

No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

**Reason:**

To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

I will be happy to provide a brief for the programme of work”.

## 6.9 Northamptonshire County Council – Minerals and Waste

*Comments received on 23.10.2019:*

“In relation to the above planning application the County Council, as the Minerals Planning Authority (MPA), has the following comments:

The proposed site is located within a sand and gravel Minerals Safeguarding Area (MSA). Therefore prior to any development taking place, the applicant should demonstrate how it meets Policy 28 of the Northamptonshire Minerals and Waste Local Plan (MWLP). Policy 28 relates specifically to the MSAs and ensuring that they

are protected from sterilisation by incompatible non-mineral development. The applicant should demonstrate, in the form of a Minerals Resource Assessment (MRA), that significant sterilisation of proven mineral resources will not occur as a result of the development. If this cannot be demonstrated, prior extraction will be sought where practicable”.

6.10 East Northamptonshire Council – Environmental Protection (Contamination)

No comments received at the time of writing this report. This matter will be reported on the update sheet.

6.11 East Northamptonshire Council – Environmental Protection (Noise)

No comments received at the time of writing this report. However, verbal advice has been given requesting that the extra care provision was re-located as it would not be suitable to have a four storey building adjacent to the A605. As a result of this, an amended indicative layout has been submitted. Comments from the Council's Senior Environmental Protection Officer relating to noise will be reported on the update sheet.

6.12 East Northamptonshire Council – Environmental Protection (Air Quality)

*Comments received on 10.09.2019:*

“I have been consulted on this application in respect to air quality. I have read through the submitted air quality assessment produced by Mewies Engineering Consultants Ltd, dated July 2019, REPORT REF: 25130\_04\_AQA\_01 REV B.

Based on the information submitted I have no objections to this application.

Due to the location of the site [close – word missing] to existing properties a dust management plan will be required to manage dust soiling and health impacts.

I recommend including these conditions:

Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority.

Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.

Reason: To ensure the protection of the local amenity throughout construction works

Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

No burning

There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity”.

6.13 East Northamptonshire Council – Senior Tree and Landscape Officer

*Comments received on 28.10.2019:*

"I have reviewed the submitted plans and have no objections following the rearrangement of the site as per Design Surgery responses. The plans show tree lined street and LEAP's and LAPs and SuDS located in suitable positions throughout the site. The tree report provides reasonable measures to be set in place to protect the retained trees. I would still like to request that footpath improvement works are undertaken, to ensure the footpath to the north of the site creates a strong link through to the wider countryside, and other footpath links identified on the plans should be explored to ensure the site is accessible as possible (Bike and foot). A full landscaping plan will be required at reserved matters stage and I would like some further detail on what the 'SuDS' features are going to be, to determine whether they can be included in the open space or not, it would be beneficial if they are multi-functioning".

6.14 East Northamptonshire Council – Waste Management

*Comments received on 02.09.2019:*

"With regards to the above application I cannot comment in detail until the full application is submitted.

However, we would expect to see the following on the full application:

- Swept path analysis for the collection vehicles (using the correct data) for the whole site
- Appropriately sized collection points for properties on shared private driveways to present their waste containers at the adoptable highway as we do not collect from private shared driveways
- Sufficiently sized bin compounds for any communal properties
- The extent of the adoptable highway".

6.15 East Northamptonshire Council – Housing

*Comments received on 30.08.2019:*

"Thank you for the opportunity to comment on this application. The proposal, as set out in the Housing statement accompanying the application, is for a 65 bed extra care facility in lieu of the 40% affordable housing requirements (Page 9) and up to 65 market dwellings.

The tenure proposed for the extra care scheme is split 50/50 between affordable rent and shared ownership. Given the proven need for an extra care scheme in the north of the district and the suitability of this site, we believe the extra care facility can be provided in lieu of the normal policy requirement to provide affordable housing. However, as it is likely to be advantageous to the developer to deliver the extra care scheme in lieu of the affordable housing, we would expect that a viability assessment be undertaken to ascertain whether there would be scope for the developer to provide a capital receipt towards the development, in addition to the land.

We have engaged in discussions with Persimmons and planning officers during the pre-application process. Proposals for an extra care scheme at one of the strategic sites in Oundle have been put forward as part of the representations on the emerging

Local Plan. We have also been engaging with colleagues at Northamptonshire County Council, Adult Social Care, about potential sites and understand this site would be a suitable location for an extra care scheme. We are now keen to continue to work with Persimmons and Registered Providers to progress the way forward in order to enable the scheme to go ahead in a viable and achievable way.

Housing Strategy therefore supports the proposal. However, social rent instead of affordable rent may be required in order to meet the County Council's commissioning requirements. It may also be necessary should the extra care scheme be dependant on Homes England funding. The tenure would need to be confirmed therefore. It may be that the proportions of rent and shared ownership will need to be adjusted, or even for some outright sale to be included in the mix, and it is therefore advised that this should remain flexible, to be agreed between the parties. Similarly, numbers of one and two bedroom units will need to be agreed in conjunction with Adult Social Care and the Registered Provider.

As an outline application, we would expect a section 106 to be agreed which confirms the process by which the extra care scheme will be provided, prior to the submission of any reserved matters application.

It is pleasing to see a high number of smaller homes proposed within the market housing mix as this will enable access for new and emerging households. The scheme could also provide some market bungalows to meet a greater range of demand needs. In regard to Category 3 housing it is not sufficient to say in paragraph 3.4 that these are not necessary within the market housing because of the extra care scheme. The proposed extra care scheme is being provided in lieu of affordable housing. The requirement for some category 3 units extends also to the market housing. The provision therefore of some market bungalows would also meet this requirement".

#### 6.16 East Northamptonshire Council – Planning Policy

The comments from the Planning Policy Team are incorporated into the main body of the report under the Principle of Development and Prematurity sections.

#### 6.17 Ramblers Association

*Comments received on 04.09.2019:*

"I write on behalf of the Northamptonshire Footpath Committee RAMBLERS. Bridleway UF6 is within the area of the proposed development at its northern end. This is an ancient and well established bridleway which creates a circular route using Ashton, East and Hearne roads. It is well used to access land on the east side of the A605 for recreational purposes, dog walking, hiking as well as being accessible to horse riders and cyclists. It is welcomed therefore that no proposals are outlined to close it but to add other access for pedestrians and cyclists. We would ask that these be sufficiently wide to prevent risk from cyclists coming into contact with pedestrians. We would object to its use or closure for building access and note this will be from St Christopher's road. As no obvious alternative route exists. UF6 should be left in its natural condition and not Tarmacadamed or similar. No objection however to UF6 being generally tidied and trimmed back to improve access and use".

### 6.18 Natural England

*Comments received on 30.08.2019:*

“Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>”

### 6.19 British Horse Society

No comments received.

### 6.20 Cambridge and Peterborough CCG / NHS

*Comments received on 20.09.2019:*

- The proposed development is likely to have an impact on the services of 1 main GP practice operating within the vicinity of the application site. On reviewing the current footprint of the practice, it would appear that they do not have capacity for the additional growth resulting from this development.
- CAPCCG acknowledge that the planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.
- A Healthcare Impact Assessment (HIA) has been prepared by CAPCCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
- The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the

'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

- A developer contribution will be required to mitigate the impacts of this proposal. CAPCCG calculates the level of contribution required, in this instance to be £49,207 Payment should be made before the development commences.
- Assuming the above is considered in conjunction with the current application process, CAPCCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

## 6.21 Northamptonshire Police

*Comments received on 10.09.2019:*

"Northamptonshire police has no objection to this proposed development. However, at this stage it is important to make certain recommendations/observations at the outset of the design process. To help ensure compliance with the NPPF 2019 contained under paragraphs 91 (a-c) and 127 (f), the NPPG guidance Design Section and policy 8 (e iv) of the local North Northamptonshire Joint Core Strategy (2016) the applicant/developer should follow the agreed guidance within 'Secured by Design' principles. This proposed addition to Oundle is not huge compared to some schemes, which are planned for the northern sector of the county but is just as important as those larger schemes to the success of the area and the community that live there.

The future success of this development can be critically influenced by crime, and Northamptonshire Police need to be consulted on certain design issues, I appreciate that this cannot be overstated within this outline application. It is important however, that certain parameters are highlighted and that it is clear that architects and developers should consult with the Police Crime Prevention Design Advisor at the earliest opportunity.

I appreciate that this application is for outline approval only, any further submission should clearly demonstrate the following criteria; I comment as follows with regards to the proposed master plan and include some observations which may arise as this project progresses:

- Detailed layout, private lighting and full boundary treatment detailed drawings should be supplied and approved by the LPA after prior consultation with the Police Crime Prevention Design Adviser and with adherence to the principles of secured by design.
- Pedestrian routes should, wherever possible, be well overlooked and designed with good sight lines.
- Residents parking should be in curtilage. Tandem parking should be avoided particularly where on street parking would cause safety or neighbour disputes as inconvenient parking facilities can lead to irresponsible parking and make access routes for emergency vehicles impossible.
- Any communal rear access alley ways should be avoided, these make properties more vulnerable to crime. Terraced housing blocks make it difficult to maintain convenient refuge storage with long rear access alleyways required. Ginnell type house design could be an alternative.
- Refuge Bin storage must be safe, secure and allow easy transportation to the collection points.



- Boundaries of public open space should have clearly defined features to prevent unwanted access.
- Footpath links to the extra care facility need to be assessed so as not to put parked vehicles at risk.
- All dwellings without garages should be supplied with cycle storage facilities.
- Guidance should be taken from the Northamptonshire Fire and Rescue pre planning guide. Particularly in terms of access and bin storage.

I look forward to any further consultation if this project progresses. I recommend that the applicant consult with myself in terms of designing out crime prior to any subsequent submission”.

#### 6.22 Northamptonshire Fire and Rescue

No comments received.

#### 6.23 Anglian Water

*Comments received on 24.10.2019:*

“ASSETS

##### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Oundle Water Recycling Centre that will have available capacity for these flows.

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Anglian Water notes that the submitted information does not align with the approach agreed in the Pre Planning report.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable subject to the following condition: Sufficient surface water hierarchy evidence is provided at section 106 application stage, and the minimum discharge rate to be maintained at 5 l/s to provide the required selfcleansing velocity. We request that the agreed strategy is reflected in the planning approval.

## Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

### Used Water Sewerage Network (Section 3)

**CONDITION** No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

**REASON** To prevent environmental and amenity problems arising from flooding.

### Surface Water Disposal (Section 4)

**CONDITION** No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

**REASON** To prevent environmental and amenity problems arising from flooding”.

## 6.24 Environment Agency

*Comments received on 30.08.2019:*

“The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist”.

## **7 Evaluation**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

### Principle of Development - Policy Background

- 7.2 The adopted Development Plan for the site is the JCS and the RNOTP. Emerging policy is provided through LP2 which is due to be considered through the Examination process. The emerging ONP is currently being examined (hearing held on 29th October 2019), but it is not known when the Examiner’s findings will be published. This report will therefore set out all of the relevant policies within these plans for consideration.
- 7.3 In addition to the above, the Government’s objectives for planning policy at a national level are set out in the National Planning Policy Framework (NPPF) – which is a material consideration. The NPPF outlines requirements for housing delivery, and it aims to significantly boost the supply of homes by requiring local planning authorities to identify a sufficient amount and variety of land that can come forward where it is needed.

- 7.4 Paragraph 47 of the NPPF clarifies that: *“Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

North Northamptonshire Joint Core Strategy (JCS)

- 7.5 Policy 28 of the JCS identifies a need for 8,400 homes in the district of East Northamptonshire within the Plan period (2011 – 2031). It states that Local Planning Authorities will work proactively with applicants to bring forward sites to meet these identified housing requirements in line with the spatial strategy set out in Policy 11.
- 7.6 Policy 29 of the JCS states that *“New housing will be accommodated in line with the Spatial Strategy (Table 1) with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. Provision will be made for new housing as set out in Table 5”.*
- 7.7 Table 1 of the JCS identifies Oundle as a Market Town and its role is to provide a strong service role for the local community and the wider rural hinterland. Policy 11 adds to this stating that *“The Market Towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town”.*
- 7.8 Table 5 of the JCS sets out that there is a requirement for 645 homes in Oundle within the Plan period. The LP2, which includes the most up to date housing figures, identifies that there were 384 completions of new dwellings between 2011 and 2018 (59.5%). There were 19 further new dwelling commitments as of April 2018.
- 7.9 The updated 2019 housing land supply position will be published in December 2019. Therefore based on the latest published figures, this leaves a shortfall of 172 dwellings.
- 7.10 This figure takes account of the allocations within the RNOTP for Herne Road Phase 2 (50 dwellings) and Dairy Farm (20 dwellings). If these sites are not brought forward, the residual requirement would be for 242 dwellings, as a minimum.
- 7.11 There is some evidence since the adoption of the RNOTP in 2011 to suggest that the Herne Road and Dairy Farm sites (70 dwellings in total) may not be deliverable (no planning applications have been submitted to date, there are flood risk issues, and piecemeal land ownerships). The current St Christopher’s Drive proposal for up to 65 dwellings and an extra care facility of up to 65 units would go some way to addressing this housing need.
- 7.12 Table 1 below illustrates the housing requirements explained in paragraphs 7.8-7.10.

**Table 1 – Housing Requirements**

JCS Housing Requirement for Oundle	Minimum 645 dwellings
LP2 Housing Requirement for Oundle	Minimum 300 dwellings
Completions up to April 2018	384 dwellings
Outstanding Allocations	70 dwellings
Commitments as of April 2018	19 dwellings
Shortfall	172 dwellings
Shortfall If Extant RNOTP Allocations not Built	242 dwellings

- 7.13 The site is outside of the settlement boundary (as identified in the RNOTP inset 1) so therefore arguably falls within the rural area. However, as will be explained further in paragraph 7.15 (below), there is an expectation that the required housing will have to be provided outside of the currently identified settlement boundary of the town. Therefore Policy 11 of the JCS is relevant and not Policy 13 which relates to rural exceptions housing.

#### The Rural North Oundle and Thrapston Plan (RNOTP)

- 7.14 In addition to the JCS, the RNOTP provides more detailed policy guidance for Oundle. The RNOTP remains extant, covering the period up to 2021, and whilst it will be superseded by the future adoption of the LP2, and locally through neighbourhood plans on a parish basis, a number of plan policies remain in force.
- 7.15 The St Christopher's Drive proposal is located adjacent to the Oundle settlement boundary as identified in the RNOTP inset 1. However, as stated, the adoption of the JCS requires additional development to be allocated to Oundle in order to meet the strategic housing requirement up to 2031. There is no opportunity to provide the quantum of housing required within the existing settlement boundary. Both the proposed LP2 and ONP clearly recognise this by proposing new housing allocations beyond the RNOTP settlement boundary.
- 7.16 At the time of the adoption of the RNOTP, the Government's PPS3 applied, which only required the identification of specific deliverable or developable sites for 10 years from the date of adoption. PPS3 also required the RNOTP to indicate possible locations for housing development from 11-15 years from the date of adoption, i.e. from 2018/19 till after 2021. This was addressed through a longer term approach to housing strategy, set out in paragraphs 8.16 to 8.18 of the RNOTP.
- 7.17 Paragraph 8.18 states:

*“PPS3 requires the Plan to indicate possible locations for housing development from 11-15 years from the date of adoption, i.e. from 2018/19 till after 2021. The Sustainability Assessment<sup>3</sup> work has identified two particular sites which stand out as possible longer term site allocations. These sites, which could come forward following reviews of the Core Strategy and this Plan, are:*

- *Land to the rear of the Cemetery, Stoke Doyle Road (230 dwellings capacity);*
- *Land off Cotterstock Road/ St Peter's Road (200 dwellings capacity).”*

Paragraph 8.18 is regarded as a strategic policy by this Council, as it identifies possible development sites that could come forward in order to deliver the strategic local plan housing requirement for Oundle beyond 2021. Therefore extant strategic policy provides a clear steer for the future development potential of the town.

- 7.18 The Council can currently demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer) and therefore in accordance with NPPF paragraph 11, the relevant policies of the Development Plan can be considered up-to-date. Full weight must therefore be given to the adopted Development Plan policies unless material considerations indicate otherwise. Relevant material considerations will be addressed later in this report, but also include any emerging new and revised elements of the Development Plan. In this case, this includes the LP2 and ONP.

---

<sup>3</sup> 'Assessment of Potential Housing Sites in Oundle and Thrapston' (published in February 2009)

### East Northamptonshire Draft Local Plan Part 2 (LP2)

- 7.19 The LP2 sets out how it intends to deliver the outstanding strategic housing need for Oundle. Draft Policy EN24 of the LP2 identifies the application site for the development of around 100 dwellings provided that key considerations, amongst other things, relating to the impact on transport and the surrounding landscape and street scene are taken in to account.
- 7.20 Policy EN27 sets out the site specific requirements for future development proposals. These are:
- It will be expected to provide a housing mix which includes provision for older persons, on site affordable housing provision and 5% of plots should be made available as serviced building plots, in line with other policy requirements.
  - Connections will be provided to the adjacent Public Rights of Way network.
  - Structural landscaping will be provided for the site boundary, to mitigate the impacts of noise or other pollution from the A605.
  - A contribution towards the proposed cemetery extension should be provided (this is no longer a requirement as it is proposed that this land will be gifted by the relevant development at Stoke Doyle Road should an application come forward).
- 7.21 The proposed LP2 housing site allocations at Oundle have been subject to both internal and external, independent, site assessments and have been subject to public consultation (2<sup>nd</sup> November 2018 – 18<sup>th</sup> February 2019). The draft Oundle site allocations were endorsed by the Planning Policy Committee at its meeting held on 29<sup>th</sup> July 2019. At that meeting, the Committee also resolved to defer consideration of the officer responses to the representations (as set out in Appendices 3 and 4 of the relevant report to the Planning Policy Committee) until the outcome of the Examination of the Oundle Neighbourhood Plan is known. The weight to be given to the emerging LP2 is discussed in paragraphs 7.42.

### Oundle Neighbourhood Plan (ONP)

- 7.22 The ONP is at a more advanced stage in preparation than the LP2, having been submitted for independent examination and a hearing having taken place (on 29<sup>th</sup> October 2019). The weight to be applied to the ONP is a matter for the decision maker and this is addressed in the next section of this report when addressing the matter of prematurity.
- 7.23 ONP states at paragraph 5.57:

*“Responses to the 2014 Neighbourhood Plan Questionnaire indicate that the local community values the compact nature of Oundle and the ability to get around it on foot. Some 62% of respondents wish to see housing located within walking distance of the town centre and 50% agreed that new developments should be within a one mile radius of the centre. A majority (65%) of respondents would prefer not to see large scale development on the edge of Oundle. 68% would favour a strategy of distributing the housing growth across a range of small sites. This is what we have done by considering all sites suitable for development identified.”*

- 7.24 ONP proposes housing allocations across 5 sites, to provide 324 dwellings (Policy O15). The application site is not one of the proposed housing allocations. Whilst previous iterations of the Neighbourhood Plan included this site, it was deleted from the submitted plan.
- 7.25 The ONP 'Policies Map' identifies a proposed Oundle settlement boundary. The application site lies beyond (adjacent to) the proposed settlement boundary. ONP Policy O1 states: "*Outside the Settlement Boundary, development will only be permitted if it complies with rural planning policies in the Development Plan.*"
- 7.26 It can be concluded that ONP does not support the development of the application site for market housing in principle, although it does recognise the JCS housing requirement.

#### Principle of Extra Care Provision

- 7.27 One of the most pressing needs facing this area over the next 20 years is the growth in older persons (65+ years) households. The North Northamptonshire Strategic Housing Market Assessment (2015 update) estimates growth of around 20,100 specialist housing units to meet community need from 2011-2031, with the largest growth forecast within East Northamptonshire.
- 7.28 In relation to extra care provision the 2015 update identifies the need for 366 extra care units within the District up to 2031.
- 7.29 More recent information commissioned by Northamptonshire Councils alongside the Clinical Commissioning Groups through the Study of Housing and Support Needs of Older People across Northamptonshire (2017) identifies the need for specialised housing provision for older persons which includes care home and extra care provision.
- 7.30 Policy 30 of the JCS expects future housing development to provide a suitable mix and range of housing, including a range of size, type and tenure. In particular consideration will need to be given to meeting the needs of an ageing population. Proposals will therefore be encouraged to meet the specialised housing requirements of the older population, including extra care accommodation.
- 7.31 Emerging policy contained in the LP2 recognises the evidence set out in the key studies identified and encourages specialist older persons housing proposals to come forward which address the need in sustainable locations. This includes locations (such as Oundle) around the District's Growth and Market Towns, (as identified in Table 5 of the JCS), which offer access to local facilities and services to help meet these requirements.
- 7.32 The proposal to include extra care provision as part of the proposal is therefore supported, in that it provides an opportunity to meet the identified need for extra care provision, within the District, at a sustainable location.
- 7.33 ONP Policy 016 (Housing Mix) states that: "*On sites within close proximity of the town centre, particular emphasis should be placed on the provision of housing to meet the needs of older people and those with mobility issues.*" This is of particular relevance given the proposal to include 'extra care' provision. The location of the site in relation to the proximity to the town centre is considered further at paragraph 7.34 (below).

### Sustainability of Location

- 7.34 The St Christopher's Drive proposal is located to the south-east of Oundle, approximately 600m from the town centre. Site assessment appraisals which provided background evidence to the site selection process for the Oundle housing site allocations in the Draft Local Plan supported this site as a sustainable location. Evidence provided both internally, as part of the sustainability appraisal and externally (through consultants DLP) considered this site to perform well in relation to a series of assessment criteria. Indeed the DLP assessment evaluated this site as the best performing site in terms of overall scoring. The site performed well for a number of reasons, including being well located in close proximity to public rights of way, key services, employment opportunities and Oundle town centre.

### Previous Appeal Decision

- 7.35 This site was the subject of a previous planning appeal decision in 2014 resulting from the Council's decision to refuse permission for a proposed residential development of up to 95 houses (all matters reserved). Whilst the outcome of that appeal was to dismiss the appeal, it is important to understand the reasoning that led to the Inspector's decision and how circumstances have changed since that decision was issued.
- 7.36 The dismissal of the previous appeal was based on the Council's ability to demonstrate a 5 year land supply of deliverable housing sites. The Inspector found that the Council's supply of deliverable dwelling sites at that time was sufficient to meet the requirement, and that no additional need for further housing provision was required.
- 7.37 Whilst the Council can still demonstrate a 5 year land supply, since that appeal decision was issued, the JCS has been reviewed and a revised Plan was adopted in 2016. The revised plan period now runs to 2031. At the time the appeal was determined the plan period ran up to 2021. The adoption of the revised Plan obviously projects forward and as has already been explained, it has identified the need for additional development to be met at Oundle (645 dwellings - as set out in Policy 29 and Table 5 of the JCS). This is a material change in circumstance, which has led to the need to allocate further development within the town.

### Principle of Development - Prematurity

- 7.38 It has been raised by a number of parties during the planning application consultation process that it is premature to determine this application because of the advanced stage of the Oundle Neighbourhood Plan. Guidance on prematurity is provided in the NPPF (paragraphs 48 – 50) as detailed below:

#### i. Relevant Considerations

- 7.39 Paragraph 48 of the NPPF states:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*



*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

7.40 Paragraph 49 of the NPPF states:

*“However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.*

7.41 Paragraph 50 of the NPPF states:

*“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”.*

7.42 In relation to LP2, it is not considered that the plan is at an ‘advanced’ stage in the context of the NPPF. As such, only limited weight can be afforded to it and having regard to NPPF Paragraph 49, it is therefore not considered that refusal of the planning application on the grounds of prematurity (in respect of LP2) could be justified (notwithstanding the site is a proposed housing allocation in LP2). The issue of prematurity in respect of ONP is more complex and this Council has sought legal advice on the matter, which is incorporated throughout this section of the report. In order to conclude on the matter of prematurity, this report will first consider each of the relevant paragraphs of the NPPF in turn.

#### ii. Paragraph 48 of the NPPF (Weight to be Afforded to Plans)

7.43 In order to assign weight to emerging elements of the Development Plan, paragraph 48 of the NPPF requires consideration of the stage of preparation of the plan; consideration of the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies with the NPPF. These matters are considered in the following paragraphs.

#### ii(a)The Stage of Preparation of the Emerging Plan (Paragraph 48a of the NPPF)

7.44 The ONP has reached the end of the Regulation 16 consultation period and is currently under examination. The Interim Examination Report is likely to be published following the date of the Planning Management Committee. However, Officers were present at

the hearing. On the basis that the ONP has reached examination stage (stage 5 out of 6 as per NPPG), it is considered to be at an 'advanced' stage in the context of paragraph 48(a). Nevertheless it was apparent at the examination, as it was through the objections received during the Regulation 16 consultation period that there are fundamental issues with ONP and this is discussed in more detail in the following paragraphs.

ii(b)The Extent to which there are Unresolved Objections to Relevant Policies (Paragraph 48b of the NPPF)

- 7.45 There are unresolved objections to the relevant policies within the ONP, raised both by this Council, the applicant and additional parties who have made representations on it. These objections relate to the basic conditions of the ONP as well as a potential legal argument by the applicant that a procedural requirement for further consultation has not been met in relation to the deletion of their site from the ONP. It is the legal view that these unresolved objections reduce the weight that can be given to the ONP. Officers form the view that the nature of the objections are such that the weight that can be given to the ONP is significantly reduced.
- 7.46 The Council's legal check was not required to consider whether ONP met the basic conditions, only that the relevant legal and procedural requirements under paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) were satisfied. Nonetheless, the legal check letter on 9th July 2019 provides that whilst there is general conformity with relevant national and local strategic policy, the ONP raises significant concerns in relation to compliance with extant strategic policy.
- 7.47 The Council's representation of 9th July 2019 also stated that the ONP does not provide sufficient justification of the site shortlisting process. The draft text should provide a succinct non-technical summary of the site selection process with the necessary headlines, and that should be supported by the site assessment and further justification to explain how the site assessment data is translated into site selection.
- 7.48 With regards to ONP Policy O15, it is noted that the Regulation 14 draft contained seven allocations, including the application site, but that it has subsequently been deleted by Oundle Town Council and offset by an increase in housing numbers at another site (Land South of Herne Road - increasing the capacity from 45 to 120 dwellings). The Council has stated that this is a significant change to the overall strategy and has questioned whether the decision to delete previously proposed sites without further consultation prior to submission represents an appropriate approach to building consensus, as required by the Statement of Community Involvement. This could arguably increase the conflict in the plan-making process.
- 7.49 By paragraph 8(2)(e) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), one of the basic conditions that the ONP will have to meet is whether the making of the Plan is in general conformity with paragraph 8.18 of the adopted RNOTP (being a strategic policy contained in the development plan). This was also required by the Glaphorn Neighbourhood Plan examiner who required modifications to that Neighbourhood Plan to be made to address this issue before that Plan could proceed to referendum.
- 7.50 The applicant asserts, that given the significance of these representations, which suggest that the ONP is in conflict with adopted strategic plan policies, the ONP can carry no more than limited weight in the decision making process.

- 7.51 These matters were further highlighted and developed at the Examination hearing on 29<sup>th</sup> October 2019, where it was alleged by both Gladman and Persimmon that the ONP is unlawful because of the lack of robust evidence to justify the site allocations and the lack of re-consultation following the changes to selected sites (and the consequent omission of two sites – the Cotterstock Road site and the St Christopher’s Drive site) between the regulation 14 and 16 proposals. Those will be matters for the examiner to consider.
- 7.52 NPPF paragraph 48(b) makes clear that the less significant the unresolved objections, the greater the weight that may be given. In this particular case, officers consider the unresolved objections are significant and fundamental to the development proposal. At the examination hearing, the Inspector commented ‘without prejudice’ that there are real difficulties for him to overcome in his examination and that the options then become rather stark:
- i. Continue with the examination with a high risk that ONP will fail; or
  - ii. Issue an interim report with additional guidance to enable the Town Council to consider whether they are better to withdraw ONP and go back to a more appropriate point in the process.

The Inspector has confirmed he intends to issue an interim report.

- 7.53 Given these significant unresolved objections and the nature of the Inspector’s comments at the Examination hearing, it is considered that a significant reduction in weight must be applied to the ONP for the purposes of determining this planning application.

ii(c) The degree of Consistency of the Relevant Policies in the Emerging Plan to the Framework (Paragraph 48c of the NPPF)

- 7.54 In light of the matters highlighted at paragraphs 7.45-7.52 (above), there are concerns that the ONP undermines the strategic policy set out at paragraph 8.18 of the RNOTP. This conflicts with guidance at paragraph 29 of the NPPF which states that: *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies [emphasis added].”*
- 7.55 Given concerns raised in representations, by the Council in its legal check letter of 9<sup>th</sup> July 2019 and at the hearing regarding the ONP Sustainability Appraisal and the evidence for site selection (as previously explained), there are also concerns regarding consistency with paragraphs 31 and 32 of the Framework. Paragraph 31 states that: *“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”* Paragraph 32 provides that: *“Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.....”* NPPF Footnote 17 clarifies that this applies to neighbourhood plans where there are potentially significant environmental effects.
- 7.56 NPPF paragraphs 35 – 37 relate to plan examination. As has been highlighted in this report there are concerns about whether the ONP can be found ‘sound’ thereby raising concerns about conflict with these paragraphs.

- 7.57 To conclude in relation to the degree of consistency of the relevant policies in the emerging plan to the Framework, there is evidence to suggest significant conflict with the Framework and accordingly officers consider the weight afforded to the ONP policies should be significantly reduced.

iii Paragraph 49 of the NPPF (Limited Circumstances where an Application is Premature)

- 7.58 Paragraph 49 of the NPPF provides that a restrictive approach should be taken to the use of prematurity arguments to refuse planning permission. It states that:

*“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.*

These criteria will be assessed in turn below.

iii(a) Undermining the Plan Making Process (Paragraph 49a of the NPPF)

- 7.59 This criterion relates to scale, location, phasing and cumulative effect of new development that are central to an emerging Plan.
- 7.60 In terms of housing delivery in Oundle, Table 17 and paragraph 8.12 of LP2 identify that there is a residual requirement for a further 172 dwellings, rising to 242 if previous Local Plan allocations are excluded (as previously highlighted in this report). On this basis, the strategic housing requirement for Oundle is set at approximately 300 houses (paragraph 8.23 of LP2).
- 7.61 This figure is set based on the 2017 Annual Monitoring Report which identified a need for just below 300 houses (294 dwellings discounting the two RNOTP allocations at Ashton Road / Herne Road phase 2 and Dairy Farm, Stoke Hill (70 dwellings in total)). This has since reduced in the 2018 Annual Monitoring Report to 242 (discounting the RNOTP allocations), but the minimum housing requirement for Oundle has been set at 300 in both the ONP and LP2 because this was the up-to-date figure at the time of drafting the LP2.
- 7.62 Both the Oundle Neighbourhood Plan Working Party and East Northamptonshire Council have accepted this as a minimum requirement for Oundle, despite the more recent completions as per the 2018 Annual Monitoring Report.
- 7.63 The proposal is for up to 65 dwellings and an extra care facility of up to 65 units. It is considered that the extra care facility is a specialist type of housing and therefore the proposal would provide up to 130 dwellings, which equates to 43.33% of the overall minimum housing requirement for Oundle of 300 dwellings (or 40.12% of the 324 dwellings provided for in the ONP proposed housing allocations). This amounts to less than half of the numbers envisaged. The number allocated can only be the minimum required under the JCS and would have to be considered against the national policy of

significantly boosting the housing supply. In this context, it is not considered that the proposed development on its own would amount to a scale which is so substantial that it would undermine the plan-making process in respect of ONP.

- 7.64 The cumulative impact of any proposed development also needs to be considered. Therefore, given that another major housing application has also been submitted in Oundle at Cotterstock Road for 130 dwellings, the cumulative impact of this and the proposal for St Christopher's Drive need to be considered. Combined, the developments would provide 260 dwellings<sup>4</sup>. This would equate to 86.67% of the minimum housing requirement for Oundle as set out in LP2 or 80.25% of the 324 dwellings provided for in the ONP. The two developments combined would provide for a substantial proportion of the housing requirement and thus could be argued to undermine the ONP plan-making process (notwithstanding that the housing requirement is a minimum requirement).
- 7.65 Paragraph 49 of the NPPF also refers to the location of development and whether this would undermine the plan-making process. The ONP has based its site selections on sites that are within a 1 mile radius of the Town Centre. The application site is within a 1 mile radius of the Town Centre and as such is not considered to undermine the ONP plan-making process in this regard.
- 7.66 The ONP does not stipulate any phasing requirements within the latest draft policies that the determination of this application could potentially prejudice.

iii(b) Is the Plan at an Advanced Stage? (Paragraph 49b of the NPPF)

- 7.67 ONP has been identified as being at an advanced stage in the plan making process, by virtue of the fact that it has been submitted for Examination. The 'without prejudice' comments of the Examiner at the 29<sup>th</sup> October hearing suggest that the ONP is likely to have to go back to an earlier stage in the process if it is to proceed. This will be clarified in the Examiner's report in due course. In the absence of the Examiner's report, as it is fact that the ONP is currently at Examination stage, officers therefore consider it to currently be at an advanced stage, but that weight afforded to it must be significantly reduced in light of the issues highlighted and having regard to NPPF paragraph 48.

iii. Paragraph 50 of the NPPF (Refusal of Planning Permission on Grounds of Prematurity)

- 7.68 Paragraph 50 of the NPPF provides that: refusal of planning permission on grounds of prematurity will – in the case of a neighbourhood plan – seldom be justified before the end of the local planning authority publicity period on the draft plan. ONP has passed this stage. Paragraph 50 further provides that "*where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process*". This is considered in paragraphs 7.69-7.73 below.

---

<sup>4</sup> 130 dwellings at Cotterstock Road + 65 dwellings at St Christopher's Drive + 65 unit extra care facility (which is considered to be a form of specialist housing) at St Christopher's Drive = 260.

### Prematurity - Conclusion

- 7.69 Whilst there is an indication from the 29<sup>th</sup> October Examination hearing that ONP is likely to have to go back to an earlier stage in the plan making process if it is to proceed, in the absence of the Examiner's report, ONP has arguably reached a stage where in principle, in certain circumstances, it may be justifiable to refuse a development proposal on the grounds of prematurity. Nevertheless, officers consider that on its own, the development proposal is not so substantial that it could undermine the ONP plan making process.
- 7.70 There is an argument that cumulatively, if the Cotterstock Road application were to be approved, the applications combined could be of a scale that would predetermine decisions about the scale of housing development in the ONP (although this is tempered by the fact that the housing requirements are a minimum requirement and it is national policy to significantly boost the supply of housing).
- 7.71 In addition, it is considered to be at an advanced stage. Nevertheless, in this case, given the significant unresolved objections to ONP, the fundamental concerns highlighted at the consultation stages, through the legal check and at the Examination hearing, and the consequent conflict with the Framework, the weight to ONP must be significantly reduced.
- 7.72 Taking all of this into account, it is considered that the refusal of this planning application (or the deferral of it) on the grounds of prematurity - even in the event of approval of the Cotterstock Road application - could not be substantiated.
- 7.73 One letter received by a member of the public in relation to the application refers to a number of Secretary of State decisions in relation to prematurity. In these cases they do demonstrate that the basis for refusal was not solely on prematurity and therefore the circumstances are enough to be materially different in that they do not form a basis for the determination of this planning application.

### Principle of Development – Conclusion

- 7.74 The Development Plan identifies a need for housing beyond the currently defined settlement boundary of Oundle. The LP2 (and its evidence base) is a material consideration and whilst it can only be given limited weight at this stage, it supports the development of the application site for housing in principle. The site is considered to be sustainably located close to Oundle Town Centre and there is an identified need for extra care housing provision in sustainable locations. Conversely, the principle of developing the site for housing conflicts with the current Submission version of the ONP (also a material consideration), however it is not considered that a refusal of the planning application on the grounds of prematurity with respect to ONP can be justified. Overall, it is considered that the principle of development could be supported, subject to all other relevant matters being addressed.

### Design, Layout and Impact on the Character and Appearance of the Area

- 7.75 The site has mature vegetation on the northern, eastern and southern boundaries which screen the site. In order to assess the visual impact of the proposal, the application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has considered the viewpoints where the proposal would be most visible.

7.76 The site is located within the Northamptonshire Vales National Character Area and the Nene – Thrapston to Cotterstock Landscape Character Area.

7.77 The LVIA has made a number of recommendations that would ensure that the proposal integrates well with its surroundings both during the construction phase and the operational phase. These matters relate to the reserved matters stage and not this outline application, they are as follows:

- Retain and reinforce the existing woodland around the edges of the site and create a new woodland edge (where possible). This will protect the woodland and benefit wildlife, maintain existing screening and integrate it with surrounding landscape;
- Integrate a central open space to incorporate large-scale native tree planting, which will help to break up the roofscape of the proposed development;
- The open space should be fronted by houses for natural surveillance and incorporate sustainable drainage, wildlife habitats and a play area with an appropriate buffer zone towards adjoining properties. Open spaces and play areas should be designed in accordance with local policy and guidelines;
- Create a green corridor through the built development linking the northern and southern woodland to provide additional screening and habitat connectivity;
- Design an attractive frontage along the existing public bridleway;
- Dwellings along the north western boundary should back onto the existing residential houses to reduce the overlooking issue between the existing and new houses and to respect privacy. Opportunities should be explored to incorporate a landscaped edge within back gardens, for example fruit trees;
- Explore the opportunity to create a pedestrian and cycle link towards Prince William School to discourage unnecessary car journeys;
- In accordance with the adjoining residential area, residential dwellings should be a maximum of two and a half storeys in height, so that they can be effectively screened by the existing mature trees;
- Ensure that the design of the new development (buildings and landscape) creates and enhances the sense of place and local identity. This will include hard and soft materials and planting which respects local character and enhances biodiversity;
- Residential areas shall reflect the existing settlement pattern. Create a low density, informal and landscape dominated north eastern boundary/fronting the existing public bridleway, along the north western boundary/towards the existing residential houses and surrounding areas of open space. Utilise local vernacular styles and materials (or their modern equivalents) appropriate to Oundle to reinforce the local distinctiveness in particular along the boundary with the bridleway;
- Create a varied roofscape with different building orientations and a mix of darker colours including greys and darker reds of different shades, avoiding bright red colours;
- The level of lighting should be the minimum required and designed so as to minimise pollution from glow, glare and light spillage towards the existing residential properties as well as woodland boundaries to minimise potential disturbance to bats;
- No construction of buildings, hard surfaces or services should take place within root protection areas (RPA) of retained vegetation unless suitable mitigation measures are employed. The proposed cycleway which runs along the north of the site down the eastern boundary will have a natural feel comprising of a soft landscape surface. The root protection areas should be protected throughout the course of the development. The calculation of the RPA should be informed by a Tree Survey in accordance BS5837:2012 'Trees in Relation to

Construction'; and

- All structural and open space planting should use native species (of local provenance where possible).

7.78 In relation to the extra care provision, the following recommendations have been made:

- The care facility should be no more than four storeys in height so that the eastern boundary trees screen the facility from the A605. This will contribute to the preservation of the relatively undeveloped character of the valley in views of Oundle from the surrounding countryside.
- The proposed building should have a varied roofline in order to break up the scale and mass of the building, and provide variation within the roofscape of the proposed development.
- Existing vegetation along the western site boundary is to be retained and reinforced with new structural tree and hedge planting. The intention is to create a permeable landscaped edge which will partially filter views of the proposed development.
- The proposed care facility should be set back from the western site boundary to allow space for structural planting. Well vegetated boundaries, which respond to the siting of buildings on the site, are required in order to integrate the new building into the existing landscape and townscape.
- Incidental and naturalistic tree planting to be situated within the amenity and car park areas to provide connectivity between various landscape elements and features around the site. The use of a variety of species will provide additional habitats, foraging opportunities for animals, insects and birds, and provide seasonal variation.

7.79 Should outline planning permission be granted then these are all matters that could be addressed at a later stage and any future applicant would have to demonstrate that these recommendations had been taken in to account. It can be seen though, as per the recommendations, that the proposal does include a pedestrian access to Prince William School and this could be secured by condition.

7.80 Although the site will permanently change from greenfield land to a residential development, the design, scale, layout and landscape of the proposed development respects the character of the surrounding landscape and the existing settlement edge of Oundle. Existing vegetation on the northern, eastern and southern site boundaries will help to contain the development from the wider landscape to the east as well as the urban influences to the north and south. The indicative layout demonstrates a proposal that reflects the layout of existing residential dwellings along St Christopher's Drive and Rowell Way, helping to integrate the development into the existing urban framework. According to the LVIA the scale of effect on the overall character of the site will be Moderate to Minor Adverse at Year 1 decreasing to Negligible by Year 15 as proposed planting matures, helping to integrate the development into the wider landscape. Should permission be granted then a condition could be added to ensure that any vegetation which dies, becomes diseased, or is removed within the 15 years is replaced with the same species.

7.81 The LVIA identifies that the proposed extra care facility, which will be up to four storeys in height will form a skyline feature against the wooded backdrop in views from residential dwellings to the west of the site. The effect on the character of The Nene – Thrapston to Cotterstock LCA will initially be Moderate Adverse decreasing to Minor Adverse over time as vegetation matures and the proposals integrate into the surrounding landscape.



- 7.82 It is considered that although the development will extend the settlement edge of Oundle, it is proposed that there will be a net increase in tree cover which would be likely to improve the character of the site and the wider landscape. This could include native tree planting to strengthen the existing native tree planting which physically and visually separates the site from the A605. The development will connect to existing urban development to the west of the site by creating the access off St Christopher's Drive. Small areas of open space within the site are considered to compliment the existing small green located on Sutton Road to the west of the site. The LVIA identifies that by year 15 there will be a net gain of tree planting throughout the proposed development providing a more intimate character and integrating the development to adjoining areas through its green infrastructure strategy therefore giving the scale of effect on the settlement character of Oundle as a Negligible one.
- 7.83 The LVIA has assessed the proposal using 13 viewpoints and considers the impact on these to be Moderate Adverse to Negligible in 15 years. A number of recommendations are set out which could be incorporated by using standard conditions to request details such as levels, materials, hard and soft landscaping and boundary treatments. As such the impact of the proposal on visual and landscape amenity is not considered to be detrimental.

#### Heritage

- 7.84 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.
- 7.85 Views of St Peter's church will still be visible once the development is complete and as such this does not cause any concerns.
- 7.86 The site is located far enough away from the Conservation Area not to result in any detrimental harm to its character or setting.

#### Housing Mix

- 7.87 The following indicative market housing mix is proposed:

- 39 x 2 bedroom units
- 14 x 3 bedroom units
- 12 x 4 bedroom units.

Of the above units, six would be Category 3 bungalows (suitable for wheelchair users).

- 7.88 Policy 30 of the JCS sets out that the mix of house types within a development should reflect the need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1 – 3 bedrooms), including dwellings designed for older people. The above proposed indicative housing mix would address this.
- 7.89 An extra care facility is proposed in lieu of the requirement for 40% of the site to be affordable housing. It is proposed that this will consist of up to 65 units and would be a 50 / 50 split between affordable rent and shared ownership. No Registered Provider has been identified or secured and it is proposed that if outline planning permission is

- granted, the land proposed for the extra care provision is transferred to East Northamptonshire Council.
- 7.90 This raises concerns with regards to securing the future of the site for development for extra care provision. If provision by the applicant is limited to a transfer of land only, all of the risks associated with finding a Registered Provider will be borne by the Council. In addition, if the Registered Provider does not agree to design and develop the site, the Council would also take on this additional risk. Further, the applicant has not provided any viability information to demonstrate that the extra care provision is a viable option for the site. It is therefore not clear if there is any reasonable prospect of the extra care provision ever coming forward. This is particularly relevant because:
- i) If the planning application does not secure the extra care provision, positive weight should not be afforded to its provision in the determination of the application; and
  - ii) The extra care provision is being proposed in lieu of affordable housing, therefore if it is not provided, an affordable housing contribution should have been required.
- 7.91 The applicant has also not provided any information to demonstrate whether the transfer of the land for extra care provision would be equivalent in financial terms to the provision of the 40% affordable housing which would ordinarily be sought. So it is not clear if there would also be a requirement for a commuted sum towards the cost of building the extra care provision. This information has been requested and not been supplied. Therefore Officers are of the view that the applicant has not provided sufficient information to be able to fully assess the proposal.
- 7.92 Policy 30 of the JCS sets out that on private sector developments of 15 or more dwellings in Market Towns, within Oundle, there is a requirement for 40% of the total dwellings to be affordable housing.
- 7.93 It continues at part e) to state that affordable housing will be provided on site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the local planning authority is satisfied that off-site delivery or an equivalent financial contribution for affordable housing will support urban regeneration and / or the creation of sustainable mixed and inclusive communities. The applicant has not demonstrated this, however Officers were in principle satisfied that the proposed extra care provision would meet an identified need within the district and considered this to be a suitable alternative subject to the relevant information being submitted as explained above.
- 7.94 The NPPF at paragraph 64 also allows for some exemptions when it comes to affordable housing and one of these is where specialist housing provision is proposed, such as this application. However, based on the lack of information provided, the applicant has failed to demonstrate that the proposal would comply with the relevant national and local planning policies and as such it is recommended that permission be refused for this reason.
- 7.95 Whilst not adopted and holding limited weight in the decision making process, the LP2 provides some draft policies in relation to extra care provision and this sets out that sites of 50 or more dwellings will be required to provide for the needs of older households and that this should take in to account the viability of the development.
- 7.96 Draft Policy EN30 sets out the criteria for extra care provision and should permission be granted then this could (subject to the progress of the LP2) all be taken in to consideration at the reserved matters stage.

### Highway Safety and Parking

- 7.97 Local concern has been raised about the impact of the proposal on highway safety and parking (as summarised at 6.1 of this report).
- 7.98 The application is supported by a Transport Assessment which has been reviewed by the Local Highway Authority. The Transport Assessment makes the following key points:
- The proposed development site would be served through the continuation of St. Christopher's Drive into the site. St. Christopher's Drive serves the existing residential area to the north-west and is approximately 5.6m wide with 1.8m wide footways on either side. St. Christopher's Drive becomes Sutton Road to the north-west, with a number of side roads leading off these roads serving the existing residential area which comprises approximately 90 dwellings.
  - The nearest bus stop is approximately 800 metres away in the centre of Oundle in the market area.
  - Footpaths would be connected to the existing footpaths on St Christopher's Drive.
  - The site is within a reasonable walking distance of a number of facilities in Oundle.
  - The information confirms that there have been no recorded accidents along Ashton Road, Sutton Road or St. Christopher's Drive and that no vulnerable road users had been involved in any recorded incidents at the Ashton Road / East Road junction or any road in the periphery of the site.
  - The site would accommodate a bus stop and a loop road for a mini-bus service.
  - Pedestrian connections will be made to the Right of Way network and to Prince William School.
  - During the morning peak hour 33 car movements will be made and during the evening peak hour this will be 32, giving an average of one vehicle every two minutes. This will be 8 and 13 respectively for the proposed extra care facility, which is expected to have trip rates more associated with a business use rather than a residential use, so movements are likely to be the other way round to residents travelling to and from work.
  - For the year 2031 all of the assessed junctions were predicted to operate well within capacity for AM and PM peak hours without the addition of the proposed development traffic.
  - For the year 2031 all of the assessed junctions are predicted to operate well within capacity for AM and PM peak hours with the addition of the proposed development traffic.
  - The difference between 'with' and 'without' junction modelling outputs is minimal in terms of predicted queue lengths and RFC values (Ratio of Flow to Capacity).
  - There is a choice of travel modes available to future occupiers.
- 7.99 The Local Highway Authority (LHA) have requested that the proposed access be 6.5 metres wide to accommodate a bus route, but have stated that a 5.5 metre wide access would be suitable if the bus operator confirms that a bus could be accommodated. The applicant has contacted the relevant operator and they have replied with:

*“The CallConnect service does not have specific specifications regarding road width to determine whether or not we can access a location. We have a number of stops created within our software, whether this be a physical bus stop or an identifiable landmark e.g. Church or Post office. These stops have all been assessed individually depending on their accessibility.*

*There is an additional service that CallConnect offers which is known as 'CallConnect Plus'. This is additional help for passengers who have mobility issues and therefore cannot access their closest designated stop. This is determined by a telephone application where we gather information regarding the passengers' disability as well as relevant benefits they receive for their disability. We also look into their location to establish if we can access their home address to park without obstructing traffic as well as ample room to turn the vehicle around. If we feel we do not have enough evidence then we can liaise with our drivers and arrange a visit within the area to assess and report back to us.*

*The CallConnect service is a flexible bus service however we would always ask a passenger to walk to their closest designated stop before going through this process. If we feel that we cannot meet a passengers needs then would advise them with available transport solutions, for example Voluntary car services, local to them”.*

- 7.100 The CallConnect service no longer operates in Oundle and therefore any reserved matters application would need to ensure that a bus service could be accommodated within the site. However, this response demonstrates that there is not an outright objection to a mini bus accessing the site.
- 7.101 It would therefore appear that the proposed access would be acceptable based on this advice. The internal layout of the site is also a matter for later consideration and any reserved matters application would need to be accompanied by a swept path analysis to demonstrate that any internal road layouts could accommodate an appropriate bus route depending on the operator at that time. The LHA has been re-consulted on the proposal and Officers are awaiting their response. This will be reported on the update sheet.
- 7.102 The LHA and Officers are not supportive of the reliance on tandem parking. Any application which sought approval of the reserved matters would need to ensure that this point is addressed. Should permission be granted then an informative could be added to any decision notice advising the applicant of this. Comments have also been received suggesting that there is insufficient parking for the proposal. Any reserved matters application would need to ensure that the Northamptonshire Highways Parking Standards were complied with across the site.
- 7.103 Local residents have commented that the proposal would lead to congestion in the surrounding roads and that the surrounding roads do not cope well. However, the TA has assessed junction capacities within the area surrounding the site and all are considered to have sufficient capacity to accommodate the proposal without causing congestion or significant delay.
- 7.104 Concern has also been raised about there only being one vehicular access to the site and this causing problems for emergency vehicles. The LHA is satisfied that one access would be sufficient given that the development would not lead to over 200 dwellings being accessed off one road.

- 7.105 One resident has suggested that the access to the site is directly off the A605. As can be seen from the assessment above, the proposed access is considered suitable and therefore it is not necessary to suggest an alternative route in to the site.

### Environmental Matters

#### *Noise*

- 7.106 The proposed development is adjacent the A605 Oundle bypass which is a national speed limit road. This is a source of noise which has the possibility of impacting on future residents. In order to mitigate this, the application proposes an acoustic barrier along the A605 to prevent any detrimental harm. The Council's Senior Environmental Protection Officer has verbally advised that this approach would be acceptable but has suggested that in order to prevent harm, properties should not be over two storeys in height behind the barrier.
- 7.107 The proposed acoustic barrier would be set behind existing vegetation along the edge of the A605 to screen it and would likely need to be a height of 3 metres and a minimum length of 250 metres. This detail can be demonstrated at the later reserved matters stage and could be conditioned, but it is considered that a layout can be achieved which prevents any detrimental harm to any future occupiers and would be visually acceptable. Any acoustic barrier would also need to be maintained to ensure it does not fail and this could also be conditioned.
- 7.108 In addition to this, the proposed indicative layout shows an area of open space between the A605 and the nearest dwelling, therefore setting houses back further away from the road (approximately 30 metres minimum distance).
- 7.109 It is also possible that the two storey properties could be located the closest to the eastern boundary with their rear elevations facing the road. It would also be possible to locate the proposed bungalows here as they would only be single storey in height and would be protected by the proposed acoustic barrier.
- 7.110 Whilst noise is not expected to cause any significant concerns, formal written comments from the Council's Senior Environmental Protection Officer have not been received regarding the revised indicative layout. These will therefore be reported on the update sheet.
- 7.111 Concerns have been raised about noise caused during construction. Should permission be granted then this could be controlled by conditioning a Construction Management Plan.

#### *Air Quality*

- 7.112 The Council's Environmental Protection Team has reviewed the submitted Air Quality Assessment and has no objection to the proposal subject to recommended conditions to cover dust minimisation during construction, vehicle parking during construction, mud deposition during the construction period and prevention of burning materials on site.
- 7.113 The Air Quality Assessment identifies that the proposed development would not cause any significant air quality effects, but has recommended some mitigation to reduce the impacts. These include the use of low NO<sub>x</sub> boilers, the use of electric car charging points and the provision of cycling routes. These matters could either be secured by condition or covered at the reserved matters stage (as appropriate).

*Contamination*

- 7.114 No comments have been received to date from the Council's Environmental Protection Team and therefore this matter will be reported on the update sheet.

Flood Risk and Drainage

- 7.115 The application is accompanied by a Flood Risk Assessment and the proposal has been reviewed by the Lead Local Flood Authority (LLFA), Anglian Water and the Environment Agency.
- 7.116 The site is located in Flood Zone 1 and the proposal is classed as more vulnerable development. The Flood Risk Standing Advice demonstrates that this is compatible.
- 7.117 The Flood Risk Assessment concludes that:
- The site is located fully within flood zone 1 and our assessment has concluded that it is at low risk of flooding from all sources. There are no existing watercourses at the site.
  - There is an existing Anglian Water foul water pumping station at the north of the site and a 525 mm diameter public surface water sewer flowing west to east under the track at the north of the site. The proposed site levels design takes account of possible flooding from these existing drainage systems and direct flow away from vulnerable areas.
  - The proposed site surface water drainage design comprises a sustainable drainage system: attenuation basin with restricted outfall of 4.9 l/s into manhole 8951 of the 525 mm diameter Anglian Water surface water sewer at the north of the site.
  - In order to restrict the site runoff a 1,640 m<sup>3</sup> attenuation basin is proposed, along with an attenuation tank with orifice outflow in the extra care home facility.
  - Total proposed foul outflow will be directed through the site by gravity and outfall in to the existing Anglian Water manhole 7900. This is immediately upstream of the existing pumping station.
- 7.118 The LLFA is satisfied that the proposed development would not lead to an unacceptable risk of surface water flooding and that the impacts of surface water drainage have been adequately addressed. It has recommended that a number of conditions should be attached to any planning permission that is granted.
- 7.119 The Environment Agency has not commented on the application as it does not meet any of their criteria for consultation. This is because it is a compatible development for the location in Flood Zone 1.
- 7.120 Anglian Water has identified that there is a pumping station within 15 metres of the development site and that any houses should be more than 15 metres away from this to prevent any noise nuisance. The applicant would have to demonstrate that this has been considered at any future reserved matters stage.
- 7.121 Anglian Water has confirmed that the foul drainage from this proposal is within the catchment of Oundle Water Recycling Centre, which has available capacity for the foul drainage associated with the proposal.

7.122 Anglian Water has identified that the proposed development would lead to an unacceptable risk of flooding downstream and have therefore recommended a number of informatives that could be added to a decision notice, should permission be granted, to ensure that the developer works with Anglian Water to put in place a number of measures to ensure that improvements are delivered. Conditions are also recommended.

### Ecology

7.123 The submitted biodiversity survey concludes that the proposal would retain the ecological features of the highest value and would maintain a good connectivity to the wider landscape as well as habitat retention for wildlife on site.

7.124 Given the scale of the proposal it has been assessed that it would not cause any harm to any locally designated sites such as the Oundle Nature Improvement Area, the Upper Nene Valley Gravel Pits Special Protection Area or any Local Wildlife Sites.

7.125 The biodiversity survey identifies the broadleaved plantation woodland belt being dominated by sycamore, and the majority having been planted within the preceding 20 years, with some evidence of recent replacement planting. Mature sycamore on the northern edge of the wooded area pre-dated the plantation woodland and provided additional ecological value. The woodland forms a wildlife corridor, linking the small mature woodland fragments to the north and south west of the site and to the wider area including the River Nene to the south, and providing suitable foraging and nesting habitat for a range of local wildlife. This habitat is therefore considered to be a feature of moderate ecological value at the local scale. It is recommended that the woodland belt is retained and enhanced as part of the proposed development. This would need to be demonstrated as part of any application seeking approval of the reserved matters, but the applicant has indicated that this would be done.

7.126 Should planning permission be granted then a condition could be added to secure biodiversity enhancement / mitigation and should include the following:

- The development should incorporate native tree and shrub planting, including fruit and nut bearing species within areas of public open space or perimeter vegetation.
- New hedgerow planting should be incorporated where possible.
- Any grassland areas should consider native seed mixes.
- The creation of a continuous buffer of 10-15 metres wide along the retained woodland on the eastern and southern boundaries, to comprise native species shrub and tree planting.
- Ivy clearance from mature sycamore trees.
- Provide a range of bat boxes.
- Implementation of controlled lighting to maintain dark corridors.

7.127 Northamptonshire County Council's Ecological Advisor has been consulted with regards to the proposed development and has commented that the site appears to have quite low ecological value, but that the sycamore trees along the northern boundary do have low bat roost potential. The Ecological Advisor has recommended conditions for a Landscape and Ecological Management Plan should permission be granted.

### Residential Amenity

- 7.128 This relates to matters of overlooking, overshadowing and overbearing impact. These matters will be considered in detail at the reserved matters stage of the planning process, but it is important as part of the outline application to consider whether the maximum number of houses proposed could fit on the site without adversely impacting on residential amenity. In order to assess this, an indicative layout has been submitted.
- 7.129 The indicative layout identifies that the nearest properties to the proposal would be those to the north western boundary on St Christopher's Drive and Rowell Way.
- 7.130 The proposed care home has been identified as being within the south west corner of the site and is therefore likely to have the greatest impact on residential amenity being at a maximum of four storeys in height. The indicative plans demonstrate that the extra care facility could be located approximately 35 metres away from the nearest residential properties and this distance is considered to be sufficient. However, any layout plans would also need to be submitted to demonstrate what would be done to minimise the impact on these nearby properties. For example, room locations and breaking the building height up.
- 7.131 The nearest distance to a property by a proposed dwelling is 2.5 metres side to side. Depending on the location of this dwelling's windows, this distance could be acceptable as this would be a satisfactory distance between two detached properties on the same residential street, for example.
- 7.132 Back to back distances between properties on Rowell Way and the application site are shown as approximately 20 metres. Again this demonstrates that the proposed development could be accommodated within the site without impacting on the amenity of adjacent properties.
- 7.133 Overall, the applicant has demonstrated that a proposed layout could be accommodated that would prevent any detrimental harm to the occupiers of nearby properties by reasons of overlooking, overshadowing or overbearing impact.

### Landscaping / Arboricultural Implications / Open Space

- 7.134 Approval of the landscaping is not being sought at this stage in the process and this would be subject to review at the reserved matters stage. The level of open space provision is addressed later in this report under the S106 Obligations section.
- 7.135 The proposal does not result in the loss of any sports facilities, but there is a requirement for the proposal to contribute towards existing facilities or provide these on site. The Town Council has been contacted to provide details of any sports facilities which would justify a contribution towards the improvement of them as a result of the proposal. The Town Council has not responded to this request at the time of writing this report and therefore should any information be received between the completion of the report and the committee meeting then this will be reported on the update sheet.
- 7.136 The Council's Senior Tree and Landscape Officer has no objection to the proposal but has suggested that more details are submitted at the reserved matters stage.
- 7.137 Comments have been received about the lack of land for leisure within the town. Any reserved matters application would have to demonstrate a suitable level of open space in accordance with any Section 106 Agreement. The amount required is provided below (Appendix 1) and the applicant has stated in their Open Space Assessment that



the site identifies, based on the indicative layout, an area of approximately 1.468 Hectares of open space across the site, which would be sufficient.

### Archaeology

- 7.138 The archaeological evaluation confirms that the western part of the site has been subject to quarrying, the north eastern part contains evidence for Iron Age activity. On the opposite side of the A605 are extensive crop marks indicative of Iron Age settlement remains and the results of the evaluation would suggest that this site forms part of that settlement.
- 7.139 On this basis, the County Council's Archaeological Advisor has stated that a programme of mitigation in the form of a small open area excavation is required to address the impact of the proposals on the archaeological remains present. This can be secured by condition should permission be granted.

### S106 Obligations

- 7.140 The following developer contributions have been sought:

<b>Developer Contributions</b>				
	1 bed (per dwelling)	2 bed (per dwelling)	3 bed (per dwelling)	4 bed (per dwelling)
<b>Education</b>				
Early Years	N/A	£3724	£3972	£4220
Primary	N/A	£1614	£3972	£4592
Secondary	N/A	£1170	£4600	£5941
<b>Libraries</b>	£109	£176	£239	£270
<b>Fire hydrants</b>	4 in total across the proposed development (to be conditioned).			
<b>Affordable Housing</b>	The transfer of land for provision of extra care housing is proposed instead of providing the 40% affordable housing.			
<b>Self Built Plots</b>	5% of the plots to be available as self build plots.			
<b>Open Space</b>	A total of 7827sq.m to be provided on site, including 280sq.m of children and young people space which should include a minimum of a LEAP and a LAP. The S106 Agreement would need to make provision for maintenance of open space, whether that be by way of a management company, or a financial contribution in the event that the open space is transferred to the Town Council.			

<b>Highways</b>	£1000 per dwelling to develop a bus service within Oundle. This contribution would be for a fixed-route mini bus town service.
	A loop road to be provided within the site giving all residents access to a bus service within 400 metres of their home.
	One bus stop pole with a raised boarder and shelter.
	A 28 day mega rider bus ticket for each household, available as part of a welcome pack upon first occupation. Similar provision would be required for all staff working at the on-site care home when it opens.
<b>Healthcare</b>	£34,855

- 7.141 The applicant has not formally agreed the final figures, but has agreed to the Heads of Terms listed above.

#### Crime / Fire and Rescue

- 7.142 Northamptonshire Police do not object to the principle of developing this site but have suggested some design guidance which should be followed when an application is submitted seeking approval of the reserved matters. It will be up to the applicant to demonstrate at that stage that crime will not be an issue associated with the development. Northamptonshire Police would be consulted again at the later stage in the planning application process, but the applicant is advised to address the comments of Northamptonshire Police in any future planning application should planning permission be granted.
- 7.143 Northamptonshire Fire and Rescue has not commented on the application.

#### Rights of Way

- 7.144 There is a Right of Way, Bridleway UF6, which is located to the north of the site. The Ramblers Association has commented that it is welcomed that the proposal would add another access to it for pedestrians and cyclists. They have stated that the Right of Way should be left in its natural condition and not Tarmacadamed, but have no objection to it being tidied and trimmed back to improve access and use. This is supported by Officers.
- 7.145 Details of how the Right of Way would be improved would need to be submitted as part of any application seeking approval of the reserved matters. It is a requirement that the Right of Way is improved to make this a welcoming feature for pedestrians entering the site and full details of how this will be achieved should be submitted as part of any landscaping plan. A condition could be added to any permission granted to request specific details of the improvements should it be considered necessary.

#### Waste

- 7.146 Any application seeking approval of the reserved matters would need to demonstrate that a waste collection vehicle can travel around the site as well as bin collection points for shared drives. Any plans would need to identify the extent of the adopted highway so that a full assessment can be made. This is not a matter for consideration at this stage.

- 7.147 Northamptonshire County Council has advised that the proposed site is located within a sand and gravel Minerals Safeguarding Area and that the applicant should submit a Minerals Resource Assessment. Officers have sought confirmation about when this should be submitted and the County Council has advised that this can be submitted at the reserved matters stage.

#### Health Impact Assessment

- 7.148 Paragraph 91 of the NFFP states planning policies and decision should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds. In addition a contribution is sought towards healthcare services.

### **8 Other Matters**

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Sustainable Construction: The Sustainability and Energy Statement demonstrates that the design of the scheme has taken into account the need to minimise the use of resources and creation of waste. A condition could be added to any permission granted to ensure water use is limited to that specified by JCS Policy 9.
- 8.3 Loss of Agricultural Land: Concern has been raised about the loss of the agricultural land (Grade 2) on this site. Whilst this is a valid concern, the loss of the agricultural land is outweighed by the need for housing in Oundle to address future predicted growth and there are no alternative sites within the Town on brownfield land that could accommodate the proposed housing numbers in order to meet Oundle's housing requirement.
- 8.4 Consultation Process: This has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and all relevant consultations have been carried out.
- 8.5 Other Uses for the Site: It has been suggested that the site would be better used to extend the school. Officers have to form a recommendation based on the proposal that is before them, not what a site could be used for.
- 8.6 Developer Intentions: Residents have commented on the intentions of the developer. This is not material to the determination of the application. Comments have also been received suggesting that the developer is not offering any benefits to the Town. As set out in paragraph 7.141 above the developer has agreed Head of Terms for a number of planning obligations required to mitigate the impacts of the development. These obligations meet the tests set out in paragraph 56 of the NPPF being that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Obligations which do not meet the tests could be subject to challenge or accusation that the developer is seeking to 'buy' a permission by offering incentives. This would not be acceptable in any case, therefore comments that the developer should provide benefits over and above those needed to mitigate the impacts of the development are not relevant to the determination of this application.

8.7 Deferral of Application: It has been requested that the application be deferred pending the outcome of the Neighbourhood Plan examination that took place on 29<sup>th</sup> October 2019. However, noting the Local Planning Authority's statutory duty to determine the application within a specified time period, officers strongly advise that a decision is made on this application to prevent an appeal against non-determination. There is a clear reason to issue a decision on this application and causing delay is considered to be unnecessary.

8.8 Loss of Private Views: This is not a material consideration.

## **9 Conclusion / Planning Balance**

9.1 The principle of developing the site for housing and an extra care facility is considered to be acceptable and would not be premature and undermine the plan-making process for the reasons set out in this report.

9.2 Matters of design, highway impacts, impact on neighbours, noise, air quality and ecology have all been satisfactorily addressed.

9.3 The only matter which has not been satisfactorily addressed is that of how the extra care provision will be secured and whether it is a viable alternative to the requirement for 40% of the proposed housing on the site to be affordable housing. The applicant has failed to provide any information which gives the Council any confidence that the extra care provision would be brought forward. The method proposed – simply transferring the land – would present a risk to the Council that would be unacceptable. In addition to this, no viability information has been submitted to demonstrate whether there would be a difference in costs between providing affordable housing on the site or providing the extra care provision. On this basis it cannot be established if the extra care provision is a fair replacement for a district need of affordable housing. The principle of having an extra care facility has been considered as acceptable on the site, but it would not be sufficient to approve permission with so much risk associated with the current scheme. As such it is recommended that permission be refused.

## **10 Recommendation**

10.1 That planning permission is refused for the following reason(s):

## **11 Reasons**

- 1 The applicant has failed to demonstrate that the proposed extra care provision would be a suitable alternative to the provision of affordable housing across the site and as such the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy 30 d) and e) of the North Northamptonshire Joint Core Strategy.

---

**Appendix 1: Developer Contribution Schedule**

---

	<b>Developer contributions set out in SPD/requested by consultees</b>	<b>Proposed by applicant</b>	<b>Agreed Heads of Terms</b>
1	<u>Early Years</u> Request by NCC 1 bed - £0 2 bed - £3724 3 bed - £3972 4 + bed - £4220	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
2	<u>Primary Education</u> Request by NCC 1 bed - £0 2 bed - £1614 3 bed - £3972 4+ bed - £4592	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
3	<u>Secondary Education</u> Request by NCC 1 bed - £0 2 bed - £1170 3 bed - £4600 4+ bed - £5941	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
4	<u>Library</u> Request by NCC 1 bed - £109 2 bed - £176 3 bed - £239 4 + bed - £270	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
5	<u>Affordable Housing</u> Extra care provision in lieu of affordable housing.	As requested	Not agreed as it has not been demonstrated that this can be secured or that the provision is equivalent.

6	<p><u>Open Space</u></p> <p>Open Space SPD sets a requirement for:</p> <ul style="list-style-type: none"> <li>- Amenity Greenspace: 0.112ha (1120sqm)</li> <li>- Parks and Gardens: 0.0967ha (967sqm)</li> <li>- Natural and Semi-Natural: 0.509ha (509sqm)</li> <li>- Allotments: 0.037ha (307sqm)</li> <li>- Children and Young People: 0.028ha (280sqm)</li> </ul> <p>Total open space requirement – 7827sqm including a minimum of 1 x LEAP and 1 x LAP.</p> <ul style="list-style-type: none"> <li>- Ongoing maintenance of all public open space / play areas</li> </ul>	As requested with the exception that childrens' play provision is being discussed	As requested with the exception that childrens' play provision is being discussed
7	<p><u>Health (GP Premises Development)</u></p> <p>Request by NHS</p> <p>£34,855</p>	As requested	As per request
8	<p><u>Transport</u></p> <p>£1000 per dwelling.</p> <p>A 28 day mega rider per dwelling upon occupation.</p> <p>A 28 day mega rider per member of staff upon use of the extra care provision.</p>	As requested.	As per request.
9	<p><u>Custom Build Housing</u></p>	5% of all plots	As per request.

Note – contributions may be indexed linked, therefore actual sums required may vary.