

**POLICY EN33**

**PLANNING PERMISSION FOR NEW DEVELOPMENT WILL NORMALLY BE GRANTED PROVIDED THAT LANDSCAPING SCHEMES COMPLY WITH THE FOLLOWING MINIMUM STANDARDS:**

[1. - 7] as listed'.

[Proposed Changes : See Core Document No.12]

3.258 **OBJECTIONS** by :

430	Alfred McAlpine Quarry Products Ltd.		
1270	English Heritage	2180	HBF

**SUMMARY OF OBJECTIONS**

3.259 The requirement for a minimum of 10% of the site to be landscaped is not necessary, Policy EN32 provides sufficient guidance on the form of landscaping required; Policy EN33 should be deleted.

3.260 As with Policy EN32, the phrase, 'normally be granted' may be taken to imply that development of any kind would be acceptable provided that it is well landscaped, whereas other Local Plan policies would apply; the policy should be reworded accordingly. Paragraph 3.64 repeats the errors of Policy EN32 and paragraph 3.63.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.261 I have dealt with the objection relating to the wording of this policy in my assessment of Policy EN32 and it is sufficient to say that rewording is necessary to remove the implication that the granting of planning permission is simply a question of submitting an appropriate landscaping scheme. As to the quota of 10% of the site area in Criterion 1.(A), this is an arbitrary measure and one best avoided. It is more likely to encourage schemes with just that minimum area of landscaping than a more generous treatment or one more suited to the unique circumstances of individual sites.

**RECOMMENDATIONS [POLICIES EN32 and 33].**

3.262 That Policies EN32 and EN33 be combined and modified, viz:

**LANDSCAPING PROPOSALS, SUBMITTED IN ACCORDANCE WITH A PLANNING CONDITION, SHOULD COMPRISE A COMPREHENSIVE SCHEME WHICH RESPECTS THE UNIQUE DISTINCTIVENESS OF THE SITE, WHICH IS DESIGNED TO SOFTEN AND ENHANCE THE PERMITTED DEVELOPMENT AND HAS REGARD TO THE FOLLOWING PROVISIONS:**

- A. ON INDUSTRIAL SITES, IN ADDITION TO THE LANDSCAPING PROPOSALS, HEDGING OR BOUNDARY PLANTING NOT LESS THAN 2.0 METRES WIDE SHOULD BE PROVIDED.
- B. BUNDING OR MOUNDING WILL BE PERMITTED ONLY WHERE IT IS APPROPRIATE TO THE DEVELOPMENT SITE OR ITS SURROUNDS.
- C. BLOCK SCREENING WILL BE PERMITTED ONLY WHERE IT IS APPROPRIATE TO THE DEVELOPMENT SITE OR ITS SURROUNDS. TREE AND SHRUB PLANTING SHOULD BE VARIED BOTH IN THEIR HEIGHT RANGE AND SPECIES WHICH SHOULD BE PREDOMINANTLY OF NATIVE ORIGIN.
- D. OFF-SITE PLANTING SHOULD BE PROVIDED WHERE POSSIBLE AND WHERE APPROPRIATE.
- E. EXISTING TREES, HEDGEROWS AND WOODLANDS SHOULD BE RETAINED WHERE POSSIBLE AND MEASURES FOR THEIR PROTECTION INCORPORATED IN THE SCHEME.
- F. SCHEMES SHOULD SET OUT APPROPRIATE MEASURES FOR THE FUTURE MAINTENANCE OF THE SCHEME.

And that paragraph 3.63 be modified by the deletion of the reference to the submission of a detailed and comprehensive scheme as part of the planning application and that paragraph 3.64 be deleted.

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**POLICY EN34**

**WHERE PLANNING PERMISSION IS GRANTED, DEVELOPERS WILL NORMALLY BE REQUIRED TO IMPLEMENT LANDSCAPING SCHEMES NO LATER THAN THE PLANTING SEASON FOLLOWING THE COMPLETION OF THE DEVELOPMENT OR RECOGNISED PHASE OF IT.**

[Proposed Changes : See Core Document No.12]

3.263 **OBJECTION** by :

2227 DoE

**SUMMARY OF OBJECTION**

3.264 The word, 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations. In order to meet the requirement for clarity in local plans, criteria or conditions for the application of plan policies should be indicated thereby providing flexibility and a clear yardstick. The word 'normally' should be removed.

**THE ISSUE**

1. Whether the change suggested by the objector would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.265 The suggested change by the Council meets the objection and I am content to recommend accordingly.

**RECOMMENDATIONS**

3.266 That the word, 'normally', be deleted from Policy EN34.

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**POLICY EN36**

**THE DISTRICT COUNCIL WILL ENHANCE EXISTING OPEN SPACE ON LAND:**

- A. TO THE NORTH OF EASTERN WAY, DAVENTRY, TO INCLUDE EXTENSIVE TREE AND SHRUB PLANTING, CREATION OF WATER FEATURES AND IMPROVED ACCESS,
- B. WEST OF THE HOLLOWES, DAVENTRY, TO INCLUDE TREE AND SHRUB PLANTING WITH OPEN SPACE,

AS IDENTIFIED ON THE PROPOSALS MAP (DAVENTRY TOWN CENTRE INSET).

3.267 OBJECTION by :

247 Mrs J L Walduck

**SUMMARY OF OBJECTION**

3.268 The policy should include proposals for the creation of a water feature on the Fishponds playing field.

**THE ISSUE**

- 1. Whether the suggested water feature would comply with the aims and objectives of the Local Plan and be a practicable addition to the policy ?

**ASSESSMENT**

3.269 As I understand the Council's response to this objection, Policy EN36 would not preclude the creation of a water feature at Fishponds but the Council have no proposals for such.

**RECOMMENDATIONS**

3.270 That no modification be made to the Local Plan in respect of this objection.

POLICY EN38

PLANNING PERMISSION TO LOP, TOP OR FELL TREES SUBJECT TO TREE PRESERVATION ORDERS WILL BE GRANTED PROVIDED THAT:

- A. A THREAT EXISTS TO PERSON OR PROPERTY FROM A TREE OR ANY OF ITS BRANCHES;
- B. THE LOPPING, TOPPING OR FELLING IS IN THE INTERESTS OF GOOD FORESTRY OR ARBORICULTURE.

and where

- C. THE LOPPING, TOPPING OR FELLING DOES NOT DETRACT FROM THE APPEARANCE OF THE TREE AND IS NOT DETRIMENTAL TO THE AMENITY OF THE AREA.

3.271 OBJECTION by :

2282 DoE

SUMMARY OF OBJECTION

3.272 The Council already has statutory powers to issue TPOs, the policy is, therefore, unnecessary and should be deleted or reduced to text.

THE ISSUE

1. Whether the policy is necessary in the light of the statutory powers which the Council hold ?

ASSESSMENT

3.273 I have indicated elsewhere in this report that I am generally in favour of a comprehensive Local Plan even if, as in this case, it strays into areas which are covered by the statutory framework of planning law. This policy provides necessary guidance in the area of tree preservation and the circumstances in which trees can be felled or lopped. Although not the subject of the objection, I am concerned that the dire consequences of the combination of a prolonged drought and the presence of trees is not recognised in paragraph 3.72. The exceptional summer of 1995 is a reminder of the problems this causes for houses built on clay subsoils. If an application were to be made for trees to be felled because of the danger they posed to property, and for the reasons I have exemplified, it would be perverse of the Council to refuse on amenity grounds or to require the planting of a replacement if permission were to be granted.

RECOMMENDATIONS

3.274 That paragraphs 3.72 be modified by the addition of the words, 'unless that replacement were to pose a threat to property in the future', to the last sentence.

POLICY EN39

PLANNING PERMISSION FOR DEVELOPMENT AFFECTING NATURE CONSERVATION AND GEOLOGICAL SITES WILL NOT NORMALLY BE GRANTED WHERE THE DEVELOPMENT WOULD ADVERSELY AFFECT SITES OF SPECIAL SCIENTIFIC INTEREST, NATIONAL NATURE RESERVES AND LOCAL NATURE RESERVES

[Proposed Changes : See Core Document No.12]

3.275 OBJECTIONS by :

2228	DoE	507	NRA (510)
431	Alfred McAlpine Quarry Products Ltd	31	NFU
290	English Nature	483	Country Landowners' Association
2334	Northamptonshire CC		

SUMMARY OF OBJECTIONS

3.276 The word 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations. In order to meet the requirement for clarity in local plans, criteria or conditions for the application of plan policies should be indicated thereby providing flexibility and a clear yardstick. The word 'normally' should be removed. The policy reproduces Structure Plan Policy ENV12 and should therefore be either deleted or reduced to text.

3.277 Paragraph 3.73 suggests a positive approach to nature conservation but item 'b' makes no reference to water courses or river corridors. The wording of Policy EN39 is unclear and it devalues the statements by limiting its application to specific sites.

3.278 Presumption against development in areas of less importance than SSSIs runs counter to the advice issued by the DoE. The words, 'and local nature reserves' should be deleted. The word, 'adversely' requires qualification by the addition of the words, 'would have a significant effect'.

3.279 The policy should be desegregated to clarify the Council's position on the different categories of nature conservation/geological sites, and the degree of protection to be provided, viz :

'Planning permission will not be granted for any developments which would adversely affect designated or proposed Sites of Special Scientific Interest, National Nature Reserves and Local Nature Reserves'.

'Sites of Nature Conservation Value (SNCVs) and Regionally Important Geological Sites (RIGS) as identified by the Northamptonshire Wildlife Trust will be safeguarded. Planning applications which affect any of these sites will be subject to consultations with English Nature and the Northamptonshire Wildlife Trust and their comments will be taken into account before any decisions are made'.

'Planning permission will not normally be granted for developments which would lead to the loss of or damage to important wildlife habitats or geological features. Where development is permitted, the retention of wildlife habitats or geological features will be secured through planning conditions or formal planning agreements'.

3.280 The reference to other sites of nature conservation, geological or landscape value in paragraph 3.75 should be included in the policy.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.281 I am content that the Council's suggested changes, as outlined in Appendix 2 of Core Document No.12 and agreed with English Nature, meet most of the substantive objections to Policy EN39 and reflect advice in PPG9. The two policies complement each other in the degree of restriction to be imposed according to the statutory framework of measures to be taken for the protection of designated sites. But some explanation should be given about the inclusion of Local Nature Reserves in the New Policy which deals primarily with sites of international importance. I appreciate that some local sites can assume an enhanced importance justifying the level of protection proposed but this is not explained in the supporting text and it is an omission which should be addressed.

**RECOMMENDATIONS**

3.282 That the Local Plan be modified in accordance with Appendix 2 of Core Document No.12 and that the supporting text explain the justification for ranking Local Nature Reserves with sites of international importance.

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**POLICY EN40**

**PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR ANY DEVELOPMENT THAT WOULD HAVE AN ADVERSE EFFECT ON ANY SITE SUPPORTING SPECIES PROTECTED BY LAW.**

[Proposed Changes : See Core Document No.12]

**3.283 OBJECTIONS by :**

2229	DoE	432	Alfred McAlpine Quarry
484	Country Landowners' Association		Products Ltd
3005	English Nature		

**SUMMARY OF OBJECTIONS**

3.284 The word, 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations. In order to meet the requirement for clarity in local plans, criteria or conditions for the application of plan policies should be indicated thereby providing flexibility and a clear yardstick. The word 'normally' should be removed.

3.285 The word, 'adverse' requires qualification by the addition of the word 'significant'.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.286 I note the Council's suggested change has been agreed with English Nature in the context of Policy EN20 and that it meets the objection of the DoE. I am satisfied that as a statement of Council's policy it is worthy of a place in the Local Plan. But the objection by the Country Landowners' Association does seem to point to an ambiguity of message conveyed by the policy and the supporting text. The policy is inflexible in tone whereas the supporting text requires a 'reference to English Nature', before the consideration of planning applications, suggesting a routine consultation. The equivocation is a result of the arrangement of the supporting text and the wording of the main clause. I recommend an alternative form of words as well as the removal of the word, 'normally', for the reasons stated by the DoE. I do not, however, believe the Country Landowners Associations' suggestion would add anything to the understanding of the policy.



**RECOMMENDATIONS**

3.287 That the word 'NORMALLY' be deleted from Policy EN40 and that the second sentence of the main clause of the supporting text of the suggested change be modified, viz:

*'Applications for planning permission or listed building consent will not be considered without reference to English Nature whose comments will be taken into account before a decision is made'.*

And that the error in paragraph 3.77 be corrected, ie. Badgers Act 1991 to read, Badgers Act 1992.

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SITES IN DAVENTRY TOWN

**POLICY EN41**

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT THAT WOULD ADVERSELY AFFECT THE FOLLOWING ECOLOGICALLY IMPORTANT SITES.

- A.       DAVENTRY RESERVOIR
- B.       DRAYTON RESERVOIR
- C.       DISUSED DAVENTRY/BRAUNSTON RAILWAY LINE, NORTH OF DRAYTON WAY.
- D.       STAVERTON VALLEY
- E.       GRAND UNION AND OXFORD CANALS.

[Proposed Changes : See Core Document No.12]

3.288    **OBJECTIONS** by :

2230	DoE	8	British Waterways (9)
2036	MAFF		

**SUMMARY OF OBJECTIONS**

3.289    The word, 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations. In order to meet the requirement for clarity in local plans, criteria or conditions for the application of plan policies should be indicated thereby providing flexibility and a clear yardstick. The word 'normally' should be removed.

3.290    References to Circular 16/87 should be removed; the Circular has been overtaken by PPG7.

3.291    Boddington, Naseby, Welford and Sulby reservoirs should be included in the policy. The first sentence of paragraph 3.78 should be changed by the addition of the words, 'where practical'.

**THE ISSUE**

1.       Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan.

**ASSESSMENT**

3.292 I note that the Council's suggested change meets the objections and on that basis I am content to recommend accordingly noting that the policy is written in the context of Daventry Town to the exclusion of other sites.

**RECOMMENDATIONS**

3.293 That the word, 'normally', be deleted from the main clause of Policy EN41.

And that the words, 'where practical' are added to the first sentence of paragraph 3.78.

And that the first sentence of paragraph 3.79 be deleted.

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AGRICULTURE

POLICY EN42

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT INVOLVING THE BEST AND MOST VERSATILE LAND, (IN DAVENTRY DISTRICT THIS COMPRISES GRADES 1, 2 AND 3A AS CLASSIFIED BY THE MINISTRY OF AGRICULTURE, FISHERIES AND FOOD), EXCEPT WHERE THERE IS NO OTHER SITE SUITABLE FOR THE PARTICULAR PURPOSE.

[Proposed Changes : See Core Document No.12]

3.294 OBJECTIONS by :

2037	MAFF	2246	DoE
2335	Northamptonshire CC.		

SUMMARY OF OBJECTIONS

3.295 Paragraph 3.79 makes reference to Government guidance in Circular 16/87, the circular is no longer extant and has been superceded by PPG7. The policy should be changed by the addition of the words, 'involving lower ' quality land' after the words, 'no other site', and the sentence, 'Where there is a choice between sites of different classification, development should be directed towards the land of the lowest possible classification.'

3.296 The policy reproduces Structure Plan Policy GEN 4 and should therefore be either deleted or reduced to text.

3.297 Paragraph 3.81 should be included in the policy statement to conform with the Structure Plan.

THE ISSUE

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

3.298 I note that the Council's suggested change meets the objection of the MAFF and I am content that the policy as redrafted has a place in the Local Plan without the addition of the supporting text, I recommend accordingly.

RECOMMENDATIONS

3.299 That Policy EN42 be modified by the addition of the words, 'INVOLVING LOWER QUALITY LAND', after 'NO OTHER SITE' and by the addition of the following sentence, 'WHERE THERE IS A CHOICE BETWEEN SITES OF DIFFERENT CLASSIFICATION, DEVELOPMENT SHOULD BE DIRECTED TOWARDS THE LAND OF THE LOWEST POSSIBLE CLASSIFICATION'.

POLICY EN44

PLANNING PERMISSION FOR AGRICULTURAL DEVELOPMENT WILL NORMALLY BE PERMITTED PROVIDED IT HAS REGARD TO THE DISTRICT COUNCIL'S SUPPLEMENTARY PLANNING GUIDANCE, "THE DESIGN AND LOCATION OF AGRICULTURAL BUILDINGS".

3.300 OBJECTIONS by :

32	NFU	2039	MAFF
2250	DoE		

SUMMARY OF OBJECTIONS

3.301 The reference to other documentation in the Local Plan runs counter to the legal precedent established in the case of Great Portland Estates v City Westminster where it was established that all policies and guidance on which the Council rely should be included in the Plan.

3.302 The supplementary planning guidance, 'The Design and Location of Agriculture Buildings' should be fair and not involve farmers in needless expense. Sections 19 and 20 of the guidance is unduly restrictive given the extent of the designated areas in the District, they do not have regard to efficiency in agriculture. The wording should be amended to make clear that appropriate intensive livestock units would be permitted in all parts of the District, irrespective of designation as a SLA or Conservation Area.

THE ISSUE

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

3.303 I have considered the issue of supplementary planning guidance elsewhere in this report and concluded that references to it are inappropriate in policy statements. The essence of that guidance would seem to be the avoidance of damage to the landscape and residential areas by reason of inappropriate siting, design and external appearance. It is those considerations which should be quoted in the policy leaving references to the 'Design and Location of Agricultural Buildings' in the supporting text where it belongs. It will be for the MAFF to pursue its objections to that supplementary guidance with the Council. I confine my recommendations to the policy.

RECOMMENDATIONS

3.304 That Policy EN44 be modified, viz :

PLANNING PERMISSION FOR AGRICULTURAL DEVELOPMENT WILL BE GRANTED IF THE DESIGN, SITING AND EXTERNAL APPEARANCE OF THE PERMITTED DEVELOPMENT IS NOT DAMAGING TO THE APPEARANCE OF THE LANDSCAPE OR THE AMENITY OF RESIDENTIAL AREAS.

3.305 **OBJECTION** by :

2336 Northamptonshire CC.

**SUMMARY OF OBJECTION**

3.306 The absence of a policy relating to intensive livestock units, as outlined in Structure Plan Policy ENV 14.

**THE ISSUE**

3.307 Whether the provisions of Policy EN44 and Structure Plan Policy ENV 14, together with supplementary planning guidance, cover the development of intensive livestock units.

**ASSESSMENT**

3.308 The policies are designed to cover all forms of agricultural development and it would be confusing if particular forms were to be the subject of separate policies. I am satisfied that the issue of intensive livestock units is adequately covered by the provisions of the relevant policies and the supplementary guidance, 'The Design and Location of Agricultural Buildings'.

**RECOMMENDATIONS**

3.309 That no modification be made to the Local Plan in respect of this objection.

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POLICY EN45

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR STABLES AND RIDING SCHOOLS PROVIDED THAT:

- A. THEY ARE ASSOCIATED WITH EXISTING SETTLEMENTS. EXCEPTIONS MAY INCLUDE PROPOSALS ASSOCIATED WITH EXISTING FARMSTEADS.
- B. THEY ARE OUTSIDE OF THE SPECIAL LANDSCAPE AREAS.
- C. THE PROPOSAL HAS REGARD TO THE DISTRICT COUNCIL'S SUPPLEMENTARY PLANNING GUIDANCE, "THE DESIGN AND LOCATION OF AGRICULTURAL BUILDINGS".
- D. THEY ARE LOCATED CLOSE TO EXISTING BRIDLEWAYS.

[Proposed Changes : See Core Document No.12]

3.310 OBJECTIONS by :

393	Roger Coy Partnership	459	Country Landowners' Association
556	Mrs W Richardson		
2251	DoE	2131	Sports Council (EM Region)

SUMMARY OF OBJECTIONS

3.311 The second sentence of paragraph 3.85 is misleading and should be changed, viz : 'The grazing of horses on agricultural land does not require planning permission but the keeping and breeding of horses is not an agricultural activity ...' Also, it is unreasonable not to provide for the sheltering of grazing horses during times of stress and inclement weather when all other livestock could be catered for.

3.312 Criterion B should be deleted, there needs to be justification if stables and riding schools are to be excluded from the SLA. Criterion D should be changed to include the words, 'or other land made available for riding'.

3.313 Clarification of the suitability of land at Overtone Park for stables and riding school is required.

3.314 Many recreational developments can take place in SLAs without detriment to the environment; the policy unreasonably effects a blanket ban on stables and riding schools in these areas.

3.315 The reference to other documentation in the Local Plan runs counter to the legal precedent established in the case of Great Portland Estates v City of Westminster where it was established that all policies and guidance on which the Council rely should be included in the Plan. The references should be incorporated or removed.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.316 I am with the Council in rejecting the objection of the Roger Coy Partnership; there is no place for exemplification in Local Plan policies nor in the supporting text which should be straightforward statements of general guidance. Nor would it be appropriate to address the question of the suitability of individual sites such as Overtone Park for stables and riding schools; that is a matter to be determined through the normal processes of development control.

3.317 The protection of the SLA is a fundamental objective of the Local Plan and is set out in Policy GN1. The qualification 'normally' in Policy EN45 and the suggested change, which marginally widens the scope of the policy and provides a degree of flexibility in its application, goes some way to meeting the objections of the Sports Council and the Country Landowners' Association. I am therefore satisfied that the Council is being consistent in its approach to development in SLAs. As to the reference to the supplementary planning guidance, I can only repeat my previous conclusions which are also applicable to this policy.

3.318 I have considered the issue of supplementary planning guidance elsewhere in this report and concluded that references to it are inappropriate in policy statements. The essence of that guidance would seem to be the avoidance of damage to the landscape by reason of inappropriate siting, design and external appearance siting. It is those considerations which should be quoted in the policy leaving references to the 'Design and Location of Agricultural Buildings' in the supporting text where it belongs. The details of that guidance are not before me and I therefore confine my recommendations to the policy.

**RECOMMENDATIONS**

3.319 That Criterion C of Policy EN45 be modified, viz :

- C. THE DESIGN, SITING AND EXTERNAL APPEARANCE OF THE PERMITTED DEVELOPMENT IS NOT DAMAGING TO THE LANDSCAPE.

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