



Appeal Decision

Inquiry held on 18 & 19 November 2014

Site visit made on 17 November 2014

by R Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2014

Appeal Ref: APP/Y2810/A/14/2222311

Land east of West Haddon between Guilsborough Road, Northampton Road and the A428 Bypass, West Haddon, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Davidsons Development Ltd against the decision of Daventry District Council.
 - The application Ref DA/2014/0218, dated 28 February 2014, was refused by notice dated 2 July 2014.
 - The development proposed is up to 100 dwellings, with vehicular access, pedestrian links, public open space, car parking, landscaping and drainage, all matters other than access reserved for consideration at a later date.
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Decision

1. The appeal is allowed and planning permission is granted for up to 100 dwellings, with vehicular access, pedestrian links, public open space, car parking, landscaping and drainage, all matters other than access reserved for consideration at a later date, at land east of West Haddon between Guilsborough Road, Northampton Road and the A428 Bypass, West Haddon, Northamptonshire in accordance with the terms of the application Ref DA/2014/0218, dated 28 February 2014, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The application was made in outline only, with all matters reserved other than access. I have determined the appeal on this basis, treating the drawings provided, insofar as they relate to the matters reserved for later approval, as illustrative.
3. As well as viewing the appeal site from a number of points, my extensive site visit also included walking the potential routes to and from the site to the various facilities in the village.

Main Issues

4. The main issues are:
 - the District's housing land supply position and its policy implications;
 - whether, having regard to the requirements of the development plan and national policy, local services and facilities are readily accessible from the site; and

- whether, having regard to the benefits and disbenefits of the proposal, it would represent a sustainable form of development.

Reasons

Housing Land Supply and Policy Implications

5. It is common ground between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites, when assessed against the District's Objectively Assessed Need (OAN) for housing. The OAN figure is as set out in the evidence base for the West Northamptonshire Joint Core Strategy (WNJCS). As the WNJCS has recently been found to be sound, having been through Examination, I have no reason to doubt that the OAN figure is appropriate. Although the precise level of supply was disputed, it was agreed at the Inquiry that it is no worse than 4.26 years and no better than 4.68 years. On the basis of the evidence presented to me I have no reason to disagree with this assessment of the District's housing land supply situation.
6. The Council's decision notice references policies HS21 and HS24 of the Daventry District Local Plan 1997 (the Local Plan), which seek to constrain, respectively, residential development outside of the existing confines of West Haddon and residential development in the open countryside (with certain caveats that the appeal proposal does not meet). It is common ground that the appeal site is beyond the existing confines of West Haddon and, thus, in the open countryside. Consequently, the appeal scheme would, on its face, conflict with the requirements of the development plan.
7. However, where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, Paragraph 49 of the National Planning Policy Framework (the Framework), which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date. Housing applications should be considered in the context of the presumption in favour of sustainable development, bearing in mind the imperative in Paragraph 47 to boost significantly the supply of housing.
8. Two relatively recent appeal decisions¹ in the District were drawn to my attention, where Inspectors have not found policy HS24 to be out of date. A further recent decision² has also found neither policy HS21 nor HS24 to be out of date. The conclusions reached by the Inspectors in these instances appear to be based upon the view that while the policies are for the supply of housing they are not primarily so.
9. I do not have the specific arguments put to the Inspectors in these cases. However, taking into consideration the differences of judicial opinion³ on the matter (as cited by the Council and as considered in a further appeal in the District⁴), whether or not a specific policy can reasonably be described as relevant for the supply of housing is, ultimately, a matter for the decision-maker.

¹ 2197175; 2216520

² 2214145

³ William Davis etc v Secretary of State for Communities and Local Government [2013] EWHC 3058 (Admin) and Cotswold District Council v Secretary of State for Communities and Local Government [2013] EWHC 3719 (Admin)

⁴ 2202009

10. I concur with previous Inspectors that policies HS21 and HS24 are relevant to the supply of housing. However, on the basis of the arguments put to me, in the specific circumstances of this appeal, I consider that the supply of housing is their primary purpose. Both policies are found in the Housing chapter of the Local Plan and quite explicitly seek to restrain residential development beyond settlement confines, with no reference to specific purposes beyond this, such as, for example, preventing the coalescence of settlements. This being so, I consider that, as policies relevant to the supply of housing, they are out of date by reference to paragraph 49 of the Framework and, thus, the fact that the appeal development would be beyond the settlement confines of West Haddon would not make it unacceptable as a matter of principle.
11. Under policy HS11 of the Local Plan, West Haddon is defined as a Limited Development Village. I am mindful that planning permission has been granted for residential development of a comparable scale to the appeal proposal outside the confines of the District's three other Limited Development Villages, as defined by the Local Plan. I do not have the specific details of these schemes before me nor do these permissions act as a precedent for the appeal scheme. They are, however, indicative that decision makers have not maintained a blanket restriction on residential development beyond the confines of these villages nor concluded that, while it may have been at the time of the Local Plan's adoption in 1997, this scale of development is necessarily inappropriate to their role as Limited Development Villages. Even if this were not the case, policy HS21 states that planning permission for residential development will not 'normally' be granted on sites outside the existing confines of West Haddon. Arguably, the lack of a five-year supply of deliverable housing land means that 'normal' circumstances are not in operation at present.

Accessibility to local services and facilities

12. The Council agreed that the 'local facilities' referred to in the decision notice were those located in the village. As to the meaning of 'readily accessible', I consider that it must include the distance to the facilities, the quality of the routes to them and the range of means of getting there.
13. Several local facilities, namely the primary school, shops and post office, pubs, village hall and church are located in the historic core of the village to the west of the appeal site. The doctors' surgery, a bus stop and playing fields/play area are located closer to the site. The Council agreed that the approximate distances and times set out by the appellant, for walking from the centre of the site to these facilities, were about right. This assessment puts the school furthest away, at around 995m from the centre of the site, with a walking time of around 13 minutes.
14. The Council did not identify a preferred measure for establishing whether, in terms of distance, a development was readily accessible to local facilities. Nor does the Framework provide any such measure. The appellant noted that the Chartered Institute of Highways and Transport (CIHT) publication *Providing for Journeys on Foot* set a preferred maximum acceptable walking distance of 1200m for general access and 2000m for schools and that *Manual for Streets* suggests a range of facilities should be located within 800m, although it is explicit that this is not an upper limit. My attention was also drawn to the

Department for Transport's National Travel Survey 2012, which indicates that of trips to primary school under a mile in length, walking accounted for 79%.

15. Such standards, and the use of national surveys, must be applied with some caution and viewed in the context of local circumstance. Nonetheless, they provide some useful parameters and give an indication of how far people may be willing to walk to access local services. At up to c1km from its centre, not all future residents of the appeal site would necessarily be willing or able to walk to all local facilities. However, to many, as an alternative to using the car, I do not consider that the village's facilities are an unacceptable or unattractive walking distance from the appeal site. These distances are also readily achievable by bicycle.
16. The quality of routes from the site to facilities in the village core varies at present. That down Guilsborough Road is good. There are pavements both sides of the road, it is lit and has a 30mph speed limit. It would present an attractive route for pedestrians, even those with pushchairs, cyclists or those using a mobility scooter.
17. The route down Northampton Road is unattractive. There is no pavement for the majority of its length, the street is unlit and the 30 mph speed limit begins close to the village, beyond the site access. However, it is a condition of the planning permission for developing the former nursery site, adjacent to the southern end of the appeal site, that a suitable footway is provided from that site into the village. A scheme for a lit footpath and the relocation of the 30mph speed limit, submitted to the Council in relation to the discharge of this condition, was provided at the Inquiry. The appellant has also confirmed a willingness to accept a condition of any permission granted that would require the provision of such a path, connecting to the appeal site, should it not be otherwise forthcoming. The Council accepted in cross examination that this could overcome its concerns with regard to this route. There is a slight gradient to Northampton Road but it could not be considered steep. Consequently, with such works in place, there is no compelling reason to consider that this route would not provide ready accessibility to local facilities.
18. The third option is to use the footpath that runs from the centre of the site, to access Old Forge Drive and, in turn, Guilsborough Road. Although Old Forge Drive is not a straight road, it is not long and has pavements and some street lighting. It would be easy to access Guilsborough Road and, from there, the facilities in the village's core. The playing fields and play area would also be very readily accessible, in close proximity from this route. At present, the footpath onto Old Forge Drive is muddy and unlit. However, the submitted planning obligation includes a financial contribution for its upgrading. The costings provided for this upgrade, by the appellant, assume hard surfacing and some low level lighting. Thus, these works would create a further, good quality route to the village's facilities.
19. The doctor's surgery, and bus stops at the top of Guilsborough Road, are no more than around 650m from the centre of the site and would be easily accessible along lit pavements and roads. Both would be further from the southern end of the site. Even so, there are other bus stops along Guilsborough Road, which could be readily accessed by residents in this area, and access to the doctor's, either by walking or cycling, could not in any way be considered unreasonable for most people, even from the far end of the site.

20. Third party representation suggested that children from Morrison Park Drive, in close proximity to the appeal site, are driven to the primary school, although no substantive evidence was presented in support of this statement. Although I appreciate that the situation may change depending on the time of year or the weather, when undertaking my site visit I did indeed note a number of cars waiting outside the school as it finished for the day, although the road was by no means congested. However, I also observed numerous parents picking up their children on foot, with many of them walking them home up Guilsborough Road.
21. Consequently, I conclude that, having regard to the requirements of the development plan and national policy, local services and facilities are readily accessible from the appeal site. This being so, I further conclude that there is no compelling reason to consider that any future community on the appeal site could not, or would not, make use of them as a first choice and not integrate successfully with the village, albeit that it may take time. Nor is there any reason to consider that this community's future needs would not be met with regard to its health, social or cultural well-being. The proposal would not conflict, therefore, with paragraphs 61, 69 and 70 of the Framework. These seek, among other things, to ensure that planning decisions address the connections between people and places; promote opportunities for meetings between members of the community who might not otherwise come into contact with each other; and to ensure an integrated approach to the location of housing, economic uses and community facilities and services.

Sustainable Development

22. Paragraph 14 of the Framework states that a presumption in favour of sustainable development is at its heart. For decision-taking we are told that this means that, unless material considerations indicate otherwise, proposals that accord with the Development Plan should be approved without delay. It further notes that where the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or (b) specific policies in the Framework indicate that development should be restricted.
23. In environmental terms, the appeal scheme, being a greenfield site beyond the confines of the village, would result in the loss of countryside and a change in the appearance of the site itself. Visual change would also be considerable for those viewing the site from the public right of way that crosses it, albeit that these views already incorporate the existing development to the west of the appeal site and, at close range, the passing traffic on the bypass, notably towards the southern end of the site, and on Guilsborough Road. This considerably reduces any sense of rural isolation or development free surroundings. The site is also unaffected by the Special Landscape Area that surrounds much of the village. By virtue of being on something of a plateau, rather than the steeper, more exposed village edges, it is relatively well contained in both long and short range views of the village. Given the change in the site's appearance, when viewed from close quarters, some harm would arise to the 'rural' character of the site itself. Housing would be nearer and the fields lost. However, considering the site's wider context, although the appeal scheme would result in an extension of development beyond the established

built confines of the village, it would not appear as a significantly detrimental incursion into the open countryside.

24. There would be moderate harm to outlook from existing dwellings adjacent to the site, which would change from one of open fields to houses. At 100 dwellings the appeal development would be relatively low density. As the application is for 'up to' 100 dwellings there is also the ability to reduce dwelling numbers if necessary. Consequently, there is no reason to consider that a scheme submitted under a reserved matters application would be unable to achieve suitable separation distances between proposed and existing dwellings, avoiding a loss of privacy for the occupiers of dwellings overlooking the site. Nor is there any reason to consider that significant adverse impacts upon outlook, which could otherwise arise in relation to the juxtaposition of new dwellings to existing properties, could not be avoided.
25. My conclusion on the accessibility of local services from the site is set out above. However, although not a reason for refusal, the Council alluded to West Haddon's dearth of employment opportunities and higher order retail offer, suggesting that most future residents at the appeal site would need to travel elsewhere to access employment and major shops, which would increase car use. There is, however, a bus service through the village, to both Rugby and Northampton, which the Parish Council acknowledges is good for those wanting to shop⁵. The service has also recently been upgraded, to assist with access to the major employment site at DIRFT. Further peak hour improvements would be secured through the S106 agreement, which is supported by the County Council. Consequently, although the service does not go to the nearest town, Daventry, and car use may increase as a result of the proposed development, opportunities for sustainable transport modes have been taken up in line with paragraph 32 of the Framework. The Council drew my attention to two recent appeal decisions⁶ where Inspectors have dismissed proposals for housing development in village locations on grounds of poor access to services. However, these decisions relate to a different District with a different development plan that sets out a different categorisation of villages. Nor do I know what the detailed evidence before those Inspectors in relation to public transport and car use may have been. Consequently, I afford these decisions little weight as comparative cases and, in any case, have determined the appeal on its own merits.
26. The appellant's Ecological Appraisal and subsequent Bat and Badger Survey Report identify potential impact upon two badger setts with limited impact upon bat foraging or commuting. I am satisfied that these impacts can be appropriately mitigated by the proposed condition requiring an Ecological Management Plan and, based on all that I have read and seen, have no reason to depart from the Council's view that the appeal scheme can satisfy the environmental dimension of sustainability.
27. Turning to the economic dimension, the government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs during its build out and would generate New Homes Bonus (NHB) and Council Tax receipts for the District Council. Albeit that these jobs would be transitory, and no direct beneficial link between the spend of the NHB and Council Tax funds

⁵ West Haddon Neighbourhood Development Plan 2029 Regulation 14 Consultation Draft October 2014

⁶ 2212956 and 2215925

and West Haddon has been established, I give these economic benefits moderate weight.

28. I have concluded above that the appeal scheme would not have an adverse impact upon community cohesion. As such, the social dimension of sustainability, insofar as the Council sees conflict with it, would not be compromised by the appeal proposal. The character of the village may well change as a result of the proposed development. However, change does not necessarily equate to harm and, given the shortfall in the Council's housing land supply, it is likely to be inevitable that appropriately located greenfield sites on the edge of settlements will need to come forward.
29. It was agreed between the parties that significant weight should be given to the social benefits of the appeal scheme in relation to the provision of market and affordable housing, to meet the shortfall in the District. I have no reason to disagree with this position. Thus, I do not consider that any change in the village's character that may arise as a result of the appeal scheme would be so significantly adverse as to lead me to a conclusion that the appeal proposal would fail to meet the social dimension of sustainability.
30. Placing all of the relevant material considerations in the balance, as required by paragraph 14 of the Framework, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would represent a sustainable form of development.

Other Matters

31. Although not referenced by the Council in its reasons for refusal, the WNJCS is close to adoption, having been found 'sound' after Examination. Thus, in line with paragraph 216 of the Framework, I give it significant weight. Of particular relevance to this appeal are policies S1, which concerns the distribution of development, S3, which sets the scale and distribution of housing development, and R1, which sets the spatial strategy for the rural areas.
32. Policy S1 seeks to limit development in rural areas, albeit guided by specific criteria. However, policy S3 still seeks to distribute about 2360 dwellings to the rural areas of Daventry District and, of this figure, there are still 340 dwellings to be delivered. Policy R1 sets, as the Council described it, a framework for the establishment of a rural settlement hierarchy. However, this hierarchy will not be defined until the completion of a subsequent Development Plan Document and, as such, that set out in the Local Plan will remain extant. My consideration of the implications of this for Limited Development Villages is set out in relation to the first Main Issue above.
33. Consequently, given that there is an undersupply of housing in the District, that the emerging WNJCS seeks to allocate housing to the rural areas and that no rural settlement hierarchy is established by it, I do not consider that the appeal scheme would be at odds with it. The Council sought to argue that there would be direct conflict between the appeal scheme and policy R1 criterion G, which constrains residential development beyond settlement confines. However, for the same reasons that I have set out above, even if this policy had been adopted, criterion G would be out of date as a policy relevant to the supply of housing, by virtue of the lack of a five-year housing land supply.

34. A first draft Neighbourhood Plan (NP) was submitted to the Inquiry. Public consultation upon it will commence on 8 December 2014 until 31 January 2015. However, given that the NP is in its early stages, I can give its draft policies little weight. I also fully acknowledge that this appeal decision may come as a disappointment to those local residents who are very laudably working on the NP. However, the NP still has some way to go before it reaches Examination and the District is suffering from a housing shortage, which weighs in favour of the appeal scheme.
35. Concerns have been raised about the potential danger to children that could be presented by the proposed balancing ponds on site. However, such features are common on residential developments and it was not disputed that they are generally dry other than in periods of high rainfall intensity. Even if this were not the case, there is no reason to consider that they could not be fenced or landscaped, to prevent ready accessibility to children, as part of any final scheme.
36. The appeal site would be situated close to the village sports ground. However, this is true of existing development on Old Forge Drive and the end of Atterbury Close and it does not automatically follow that residential and sporting uses are incompatible. Certainly, no substantive evidence has been presented to show that the latter would cause insurmountable nuisance to the former.
37. Turning to local infrastructure, issues have been highlighted with regard to water pressure, sewerage, gas, electricity, telecoms, broadband, schools and the doctor's surgery. However, no objections have been raised by either Anglian Water or Severn Trent Water nor have any of the other utilities providers objected. The primary school and doctor's surgery are both at capacity and I address these matters in relation to the S106 agreement below.
38. No concerns have been raised by the Environment Agency or the water companies in relation to either drainage or flood risk and, subject to the conditions proposed by them, I have no reason to depart from their professional view.
39. The occupiers of 73 Old Forge Drive have objected to the scheme on grounds of loss of privacy due to increased use of the footpath connecting the site to Old Forge Drive. However, the footpath already runs adjacent to no 73's driveway, which provides separation between the footpath and the front of the house. Use of this footpath would increase as a result of the appeal scheme, but its route would remain unchanged and it does not automatically follow that increased usage would have a significant adverse impact upon privacy.
40. The Parish Council suggested that allowing this appeal would set a precedent for further development in the village. However, my decision in this appeal should not be interpreted as a finding that West Haddon is necessarily a 'sustainable location' for any future residential development. Indeed, any future proposals would need to be assessed on their own site-specific merits, in the context of any Development Plan and national policy then in place. While I have concluded that the appeal scheme is acceptable given the site context and housing land supply situation, the fact that up to 100 dwellings have been allowed on appeal in West Haddon would be a consideration to be weighed in the balance when considering any future development proposals.

Planning Obligations

41. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
42. With regards to impact on local schools, the County Council has confirmed that there is insufficient capacity at both West Haddon Primary School and Guilsborough Secondary School to accommodate the extra pupil numbers that would arise from the proposed development. It has also provided calculations to demonstrate the costs of providing the necessary additional capacity at these schools. I am satisfied that the obligations in relation to these matters meet the tests in the Regulations.
43. Given the increased use of the footpath linking the appeal site to Old Forge Drive that would arise from the proposed development, its upgrade is appropriate. Cost estimates for an appropriate improvement scheme have been provided and this obligation meets the tests in the Regulations.
44. A planning obligation is provided to secure the provision of 29% of the proposed dwellings as affordable homes. This accords with policy HS25 of the Local Plan, and the Council's Supplementary Planning Document (SPD) *Affordable Housing*, and would assist in meeting an identified need. I am satisfied that the obligation meets the tests in the Regulations.
45. Contributions have been secured towards local allotment provision. I have no reason to doubt the evidence presented that these are a popular local resource upon which pressure would be increased by the proposed development. This obligation meets the tests in the Regulations.
46. Turning to open space, an obligation is provided towards the provision and delivery of an Open Space Scheme on the site, in line with adopted policy. This obligation meets the tests in the Regulations.
47. The doctor's surgery in West Haddon is at capacity and would be under further pressure from the proposed development. The NHS has provided detailed calculations to demonstrate the costs of providing the necessary additional facilities to meet demand from the appeal scheme. I conclude that this obligation meets the tests in the Regulations.
48. Indoor and Outdoor Sports contributions have been secured, to mitigate pressure upon existing facilities that would arise from the development. The contributions are in line with the Council's *Infrastructure and Developer Contributions* SPD and these obligations meet the tests in the Regulations.
49. Provision is made for bus passes, Travel Packs and service enhancement of the 96 bus route through West Haddon, based upon costs provided by the County Council. Given the need to maximise the use of non-car modes of transport from the site, this contribution is necessary and I conclude that these obligations meet the tests in the Regulations.
50. The Council's costs in monitoring and agreeing the S106 agreement are included. These are based upon a comparative analysis of officer time. I am

satisfied that they are necessary to ensure the agreement's implementation and that they meet the tests in the Regulations.

51. A contribution has been secured towards expansion and improvements of the library at nearby Long Buckby, which is that most likely to be used by the occupiers of the appeal scheme, in line with costs explained in the Council's *Infrastructure and Developer Contributions SPD*. This obligation meets the tests in the Regulations.
52. Contributions are sought towards a Construction Training scheme and for the Fire Service. Although costs in relation to the former are set out in the Council's *Infrastructure and Developer Contributions SPD*, no explanation could be provided by the Council to demonstrate how this contribution was necessary to make the development acceptable in planning terms. Similarly, the Fire Service contribution, although costed, does not appear to have any specific purpose related to the appeal development beyond general funding of the Service. Consequently, on the basis of the evidence before me in this particular instance, I do not consider that these obligations meet the tests in the Regulations.

Conditions

53. An agreed list of planning conditions was discussed in some detail at the Inquiry. I have made amendments in the light of those discussions. In some cases this is to improve precision, clarity and enforceability, as well as avoiding overlap, and elsewhere to reflect more closely the (still extant) model conditions in Annex A to Circular 11/95: *The Use of Conditions in Planning Permissions*.
54. The standard conditions specifying the time limits for submission of reserved matters and commencement of development are necessary in the interests of proper planning. I have imposed a condition requiring compliance with the approved plans for the same reasons. Highways conditions, including the footway on Northampton Road and provision of the access, are necessary to ensure highway and pedestrian safety. That relating to public rights of way is necessary to ensure enhancement and continued access. Conditions relating to drainage and sewerage are required to ensure that the site is properly drained. A Construction Management Plan (CMP) condition is necessary to ensure that there is no adverse impact upon the living conditions of local residents, or the local highway network, during construction. An ecological condition is necessary to ensure appropriate mitigation of any effects of the development upon protected species. The condition relating to provision of fire hydrants is necessary to ensure required infrastructure is in place. Those relating to an archaeological scheme of investigation and the remediation of any contamination are necessary in the light of the, albeit limited, potential for archaeology and contamination being encountered on the site. The conditions relating to noise mitigation are necessary in the interests of the provision of acceptable living conditions for future occupiers of the appeal scheme. The agreed condition in relation to affordable housing is necessary to ensure appropriate nominations to the affordable housing units.
55. Conditions relating to construction noise, dust and hours of operation are superfluous in light of the condition requiring the agreement and implementation of a CMP. That suggested by the Highways authority in

relation to the submission of engineering drawings would be covered by a S278 agreement.

Conclusion

56. The appeal scheme would conflict with the development plan, albeit that the lack of a five-year supply of deliverable housing land means that relevant policies restricting development outside village confines are out of date. Notwithstanding this conflict, the appeal site would be readily accessible to local facilities and the scheme would have no adverse impact upon community cohesion. In relation to its wider sustainability, I have assessed the scheme against the three dimensions and find that its benefits would significantly and demonstrably outweigh any adverse impacts. Thus, I conclude that the appeal scheme is a sustainable form of development and, for the reasons given above, and taking all other matters into consideration, I further conclude that the appeal should be allowed.

R. Schofield

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Aley MBA LLB DIP LG Solicitor Of District Law, instructed by Daventry District Council

He called:

Mr Richard Wood MRTPI Daventry District Council
Mr Nigel Ozier BA(Hons) MRTPI Brian Barber Associates

FOR THE APPELLANT:

Mr Hugh Richards Of Counsel, instructed by Bidwells LLP

He called:

Mr Alexander Bennett BSc(Hons) MCIHT Mewies Engineering Consultants Ltd
Mr David Bainbridge MA(Hons) MRTPI Bidwells LLP

INTERESTED PERSONS:

Mr Alan Perks West Haddon Parish Council
Sir Richard Tilt Local Resident and Member of Neighbourhood Plan Steering Group
Mr Chris Millar District Councillor for Guilsborough & West Haddon and Leader of Daventry District Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Various correspondence and documents relating to the requested planning obligations, submitted by the appellant
2. Letter dated 17 November 2014 from Daventry District Council to The Planning Inspectorate relating to the requested planning obligations, submitted by the Council
3. Copy of planning appeal decision letter 2212956, submitted by the Council
4. Opening submission made on behalf of the appellant
5. Extant uncompleted planning permissions in West Haddon, submitted by the Council
6. Summary of West Haddon Parish Housing Needs Survey, March 2014, submitted by the Council
7. West Haddon Neighbourhood Development Plan 2029 Regulation 14 Consultation Draft October 2014, submitted by Sir Richard Tilt
8. Copy of planning appeal decision letter 2215925, submitted by the Council
9. Copy of revised bus timetable for the 96 service, submitted by the appellant
10. Copy of footway scheme for Northampton Road, relating to planning permission DA/2012/0071, submitted by the appellant
11. Completed S106 Agreement, dated 19 November 2014, submitted by the Council
12. Copy of email from David Bainbridge to John Tierney, dated 19 November 2014, confirming Northamptonshire County Council's support for a footway along Northampton Road, submitted by the appellant
13. Copies of revised footway scheme for Northampton Road, relating to planning permission DA/2012/0071, submitted by the appellant
14. Agreed list of conditions, submitted by the appellant
15. Email from Steve Dadswell to John Tierney, dated 19 November 2014, confirming that it would be possible to install a footway on Northampton Road
16. Copy of planning application for redevelopment of garage site on Elizabeth Road, West Haddon, dated 2 October 2014, submitted by the Council
17. Copy of extracts from Daventry District Council Open Space, Sport and Recreation Facilities Study, submitted by the Council
18. Civils and Services Infrastructure Rates, submitted by the appellant
19. Agreed affordable housing condition, submitted by the appellant
20. Results of West Haddon Neighbourhood Plan questionnaire, submitted by the Council
21. Closing Submissions on behalf of the Council
22. Closing Submissions on behalf of the appellant

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY

23. Letter from West Haddon Allotment Association, dated 19 November 2014, submitted by the Council
24. Letter from Northamptonshire County Council regarding Long Buckby library, dated 20 November 2014, submitted by the Council
25. Details of S106 Monitoring Fee, submitted by the Council

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Location Plan A43 589; E500-001 Rev C; E500-002 Rev C.
- 5) Prior to the first occupation of any dwellings hereby permitted the vehicular accesses to the site shall be constructed in accordance with the details set out in drawing ref E500-001 Rev C and E500-002 Rev C.
- 6) Prior to the first occupation of any dwellings hereby permitted a scheme for a footway connection along the north side of Northampton Road from the site access to connect with the existing section of footway on the north side of the same road shall be implemented following its submission to and approval in writing by the local planning authority. Written confirmation that the works have been completed in accordance with the approved scheme shall be gained from the local planning authority prior to the first occupation of any dwellings hereby permitted.
- 7) No development affecting existing public rights of way shall take place until a scheme of enhancement, improvement, diversion or closure has been submitted to and approved in writing by the local planning authority. Development thereafter shall take place in accordance with the approved scheme.
- 8) No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The CMP shall include and specify the provision to be made for the following:
 - a) overall strategy for managing environmental impacts that arise during construction;
 - b) measures to control the emission of dust and dirt during construction;
 - c) control of noise emanating from the site during construction;
 - d) hours of construction work for the development;
 - e) contractors' compounds, materials' storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
 - f) designation, layout and design of construction access and egress points;
 - g) internal site circulation routes;
 - h) directional signage (on and off site);
 - i) emergency vehicles;
 - j) loading and unloading of plant and materials from all site operatives', visitors' and construction vehicles during the construction period;
 - k) on-site parking and turning of all site operatives', visitors' and construction vehicles during the construction period;
 - l) measures to prevent mud and other such material migrating onto the public highway from construction vehicles;
 - m) routing agreement for construction traffic;

- n) enclosure of phase or development parcels and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o) waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved CMP shall thereafter be implemented and adhered to throughout the construction period.

- 9) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate that the surface water run-off generated up to and including the 100 year (plus an allowance for climate change) critical rain storm will not exceed the run-off from the re-developed site following the corresponding rainfall event. The scheme shall include:
- a) Surface water drainage system(s) to be designed in accordance with either the National Sustainable Drainage Systems Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken;
 - b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site (developed area not red line boundary area) and not increase the risk of flooding off-site, as outlined in the Flood Risk Assessment Rev B, dated 14 February 2014, undertaken by Stephen Daykin Consulting Ltd;
 - c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate(s) and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm;
 - d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements;
 - e) Details of how the onsite surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

The approved scheme shall be implemented before the first occupation of the dwellings hereby permitted.

- 10) No development which comprises the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the first occupation of any buildings covered by this condition.
- 11) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to

remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall thereafter incorporate the approved additional measures.

- 12) No development shall commence until a noise mitigation scheme for protecting the proposed dwellings from traffic noise from the A428 has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented before the first occupation of the dwellings hereby permitted.
- 13) No development shall commence until a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme, which shall be retained thereafter.
- 14) No development shall take place until a programme of archaeological works has been implemented in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the local planning authority.
- 15) No development shall take place until an Ecological Management Plan (EMP) for the site has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the recommendations in paragraphs 4.1-4.43 of the submitted Ecological Appraisal by FPCR, dated December 2013, and paragraphs 6.1-6.18 of the submitted Bat and Badger Survey report by FPCR, dated May 2014. The EMP shall include details of the retention and enhancement of all existing hedgerows on the site. Development shall thereafter be carried out in accordance with the approved EMP.
- 16) No development shall take place until a scheme detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved scheme.
- 17) Nomination to the affordable dwellings to be provided as part of the development hereby permitted shall be in accordance with a nomination scheme to be submitted to and approved in writing by the local planning authority prior to the first occupation of any of these dwellings.