



Appeal Decision

Site visit made on 2 February 2015

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 03 November 2015

Appeal Ref: APP/Y2810/A/14/2216828

Grants Hill Way, Woodford Halse, Daventry, NN11 3PZ

- 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 Hereford Storage Ltd against the decision of Daventry District Council.
 - The application Ref DA/2013/0024, dated 19 December 2012, was refused by notice dated 20 November 2013.
 - The development proposed is development of 40 houses with parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for development of 40 houses with parking and landscaping at Grants Hill Way, Woodford Halse, Daventry, NN11 3PZ in accordance with the terms of the application, Ref DA/2013/0024, dated 19 December 2012, subject to the conditions in Annex A.

Preliminary Matters

2. The application was submitted in outline. Details of the access were submitted and formed part of the application. I have dealt with the appeal on that basis.
3. It has been drawn to my attention that the area of land to the immediate west of Grants Hill Way has planning permission for residential development¹ for up to 200 dwellings. The site itself gained outline planning permission for the erection of two buildings for B1 use². However, this development is no longer capable of being implemented.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development at paragraph 14. It sets out that this *'should be seen as a golden thread running through both plan making and decision making'*. Paragraph 2 of the Framework reiterates the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Daventry District Local Plan (LP) adopted in 2007. Saved Policy HS24 of the LP states that planning permission

¹ DA/2012/0860

² DA/2009/0993

- will not be granted for residential development in the open countryside, other than for a small number of specific cases, into which the proposal does not fall.
6. There is no dispute that the site is located outside of the settlement boundary for Woodford Halse. LP Policy GN1 seeks to guide new development and in particular *'severely restrain development in open countryside'*. LP Policy HS22 identifies Woodford Halse as a 'Restricted Infill Village'. This restricts new development to infilling on a small scale, within the existing confines of the village and that does not affect open land that is significant to the form and character of the village. LP Policy HS22 does not define what could be considered as 'small scale' infill development. This amount of development would not be 'small scale'. Therefore, taken in isolation, the proposal would conflict with these policies and would result in an extension of the village into an area designated as countryside.
 7. The site is an irregularly shaped piece of land. It is located between an area of industrial units and Grants Hill Way. It does not form part of a field. It is laid to grass and dissected by a public right of way. It slopes gently down to the road. The countryside in this location is not subject to any protective designation. That said it has an open character and appearance that would be changed by the appeal scheme which would fill a gap between two developed areas on Byfield Road. However, the function of the space remains a key issue. Given the surrounding context the site cannot be described as being in open countryside. It sits within the street scene of Byfield Road and is visible when approaching from Phipps Road to the south. Within its wider context the site is contained by existing roads, industrial development to the north and east and the planning permission for 200 houses which exists to the west.
 8. I appreciate that the Council consider the site is an important 'buffer' between the industrial use and the approved residential to the west. However, I have not been presented with any substantive evidence that such a buffer would be required. Furthermore, the Council's specialist advisors indicate that the site could be developed for housing subject to suitably worded conditions. This suggests to me that the development to the west would be a sufficient distance from the industrial development in any event and would not require a 'buffer'. In addition the indicative layout I have been provided with shows that a further separation with a surface water attenuation pond could be provided between Grants Hill Way and the proposed dwellings.
 9. There are three dimensions to sustainable development economic, social and environmental. The presumption in favour of sustainable development seeks to achieve economic, social and environmental gains and positive improvements to the quality of the built and natural environment.
 10. The site would be in close proximity to existing facilities in the village. I noted that the primary school, library and village centre would be within walking distance of the site. Furthermore there are some employment opportunities in the village. Future occupiers of the dwellings would contribute to the local economy through use of existing facilities. Furthermore there would be some economic benefits during the construction period of the dwellings.
 11. The proposal would make a contribution to the economic and social roles of sustainability and contribute to the objective of supporting thriving rural communities. In addition the provision of 40 additional dwellings would be a

benefit. Furthermore there would not be harm to character and appearance from development of the site.

12. I note that there is disagreement between the parties as to whether or not the Council can identify a five year supply of housing land. I make no judgement either way. Nonetheless, in this case, I have found that the scheme would not harm the character and appearance of the area. I have borne in mind paragraphs 14 and 47-49 of the Framework and its guidance that planning should take account of different characters of different areas.
13. I therefore conclude that, whilst the development conflicts with an element of development plan policy, it would be consistent with the overall thrust of the Framework and would not harm the character and appearance of the area. Overall, I do not consider that there are significant adverse impacts of granting planning permission. I consider that it would be a sustainable development. Consequently the benefits of the proposal outweigh the conflict with the policies of the LP.

Other matters

14. The Council does not have CIL in place. I have been provided with a signed and dated unilateral undertaking to secure contributions for affordable housing, the community hall, sports and courts, health and the fire and rescue service. The contributions for the community hall, health, indoor sports facilities and fire and rescue service are 'infrastructure'. The Council have provided information that demonstrates that since April 2010 one other contribution toward the Community Hall in Woodford Halse has been secured, two towards local fire and rescue, two toward health and one toward indoor sports. Consequently, I have taken the obligation into account.
15. I have carefully considered the comments from local residents, including a petition and letter from the local MP, regarding flooding, impact on local sewage treatment plant, increased traffic volumes, damage to roads, strain to local amenities such as medical and primary school, public transport and village facilities.
16. The site is located in flood zone 1. The Environment Agency have raised no objections and set out that, subject to the imposition of relevant conditions, and proposal would not lead to risk of flooding on or off site. I can find no reason to disagree with this view. Concerns have been raised about drainage. There is no substantive evidence that the site could not be properly drained. Therefore, even though the scheme would introduce buildings and hard surfaced areas, this matter can be dealt with by condition. The officer report indicates that there have been no objections raised by the local highway authority to the access point proposed. I can find no reason to disagree.
17. It has been put to me that local amenities are fully stretched. The NHS response to the application indicates that a contribution would be required for new facilities in the area. The unilateral undertaking seeks to address this. With regard to other services I have no detailed evidence that quantifies this. As a result these matters do not weigh against the proposal.

Conditions

18. The Council has not provided a list of suggested conditions. However, the officer's report provides a number of conditions. I have considered these.

Conditions relating to submission of reserved matters and commencement are necessary for the avoidance of doubt and in the interest of proper planning. In the interests of the living conditions of future occupiers conditions are necessary regarding internal noise design and levels and noise barriers. In the interest of living conditions of existing occupiers a condition regarding construction management is also necessary. To ensure proper drainage of the site conditions relating to surface water and foul drainage strategies are also necessary. Fire hydrants are a necessary part of the layout of the development. Therefore I have amended the condition to require the submission of this information as part of the reserved matters scheme.

Conclusion

19. For the above reasons and having regard to all other matters raised I conclude that the appeals should be allowed.

D J Board

INSPECTOR

Richborough Estates

Annex A – 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) No development shall commence until a Flood Risk Assessment incorporating a surface water drainage strategy for the site has been 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:
 - Sustainable drainage measures in accordance with The Sustainable Drainage System (SuDS) Manual C697 and the Site Handbook for the Construction of SuDS C698 (both CIRIA, 2007) and the CIRIA publication 'C635 Designing for exceedance in urban drainage— Good practice';
 - Allowance for climate change over the typical lifetime of residential development (100 years - 30%) in accordance with the Technical Guidance to the National Planning Policy Framework;
 - Restriction of the surface water run-off rates from the development to predevelopment (greenfield) runoff rates.
 - Floor levels of residential buildings with a freeboard of at least 300mm above the 100 year surface water flood level including a suitable allowance for climate change.
- 5) No building works which comprise 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. No building shall be occupied until the works have been carried out in accordance with the approved scheme.
- 6) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.
- 7) Prior to the commencement of development a detailed scheme for the location, design and construction of noise barriers shall be submitted to and approved by the Local Planning Authority. The approved scheme

shall be implemented prior to the start of building and retained thereafter in perpetuity.

- 8) Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- i. Overall strategy for managing environmental impacts which arise during construction;
 - ii. Measures to control the emission of dust and dirt during construction;
 - iii. Control of noise emanating from the site during the construction period;
 - iv. Hours of construction work for the development;
 - v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
 - vi. Designation, layout and design of construction access and egress points;
 - vii. Internal site circulation routes;
 - viii. Directional signage (on and off site);
 - ix. Provision for emergency vehicles;
 - x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
 - xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
 - xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - xiii. and other similar debris on the adjacent public highways;
 - xiv. Routing agreement for construction traffic.
 - xv. Storage of plant and materials used in constructing the development;
 - xvi. Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - xvii. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

- 9) Concurrently with the submission of the first reserved matter a scheme and timetable detailing the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Fire and Rescue Services. No dwelling shall be occupied until the hydrants serving the development have been provided to the satisfaction of the Local Planning Authority and retained thereafter in perpetuity.