Rebuttal of Evidence
(Planning)

Expert Witness: Graeme Tulley

The Homes & Communities Agency
Land South of Brackmills
Newport Pagnell Road
Northampton

PINS Ref: APP/V2825/A/14/2228866
LPA Ref: N/2013/0388

June 2015

Prepared by

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1 INTRODUCTION

1.1 I provide additional information to the Inquiry on two issues raised by Mr Gary Stephens in his proof.

1.2 For the avoidance of doubt, by commenting on and responding to two specific matters raised in Mr Stephens proof, it does not follow that I concede any part of his or indeed the Council’s evidence.

1.3 In the most part I am providing new evidence in response to the Local Planning Authority’s case or clarifying the position with reference to existing evidence.

2 BRACKMILLS INDUSTRIAL ESTATE (BIE)

2.1 Gary Stephens asserts in his Proof of Evidence (Paras 11-12; 2.12 -2.17; 6.16 – 6.19) that the Appeal proposals will impact adversely on traffic conditions at BIE, that this will affect the commercial potential of the estate and thus fail to promote provision of employment at BIE as supported by JCS Policy S8.

2.2 Mr Stephens relies on evidence from Mr Antony Drake MRICS, who is also instructed by Northampton Borough Council.

Development land

2.3 Mr Stephens (Para 2.16) and Mr Drake (Para 2.5) say there is nearly 30 ha of allocated land at Brackmills for prospective development.

2.4 Paragraph 2.15 of Mr Stephens proof lists 6 development sites at BIE identified in the West Northants Employment Land Study 2012 (CD106). These collectively comprise 28.94ha of land. Of these I note:

- Site Ref: N2 (Caswell Road - 1.6ha) HCA site with planning consent (App - WN/2007/0421) for retail, hotel, nursery and workshops (702 sqm offices and 4,536 sqm industrial). Site under offer.

- Site Ref: N14 from 2012 Study – Bedford Road (10.23ha) was consented in July 2012 (N/2011/0865) for 39,018 sqm distribution space, developed for Dachser (in occupation) and Hamden Gate.

- Site Ref: N10 – Gowerton Road (12.8ha) identified by the WN ELS 2012 as having potential for 40,960 sqm, but is also referred to as being “constrained”.

2.5 These 3 sites are therefore already committed development, built out or constrained.

2.6 I attach a letter (Appendix A) from Charles Spicer, Director of Savills. Mr Spicer confirms that Site N10 is in the ownership of Coca Cola in the event it should require future expansion, and is therefore not available to the open market. As such it cannot be assumed the site will come forward.
2.7 In respect of the other 3 sites:

- **Site N7 from 2012 Study – Reynoldstone Road (0.12ha)**
  Referred to in WN ELS 2012 as a small site with potential for 384 sqm industrial and 11 jobs, but not being promoted and phased to 2016-2021

- **Site N13 from 2012 Study – The Lakes (3.08ha)**
  Referred to in WN ELS 2012 as having potential for 9,856 sqm offices and 548 jobs

- **New site from 2012 Study – Caswell Road (1.11ha)**
  The 2012 WN ELS identifies this site as being promoted for redevelopment with indicative potential for 645 sqm offices, 2,000 sqm industrial, 2,000 sqm distribution, with 116 jobs.

2.8 Thus according to the WN ELS 2012, there is only 4.31 ha of unconstrained developable land left at Brackmills (Note: the Lakes site is outside the BIE’s Business Improvement District area), with an identified potential for 675 jobs.

2.9 All three sites would need planning permission and accompanying transport assessments.

2.10 BIE made no representation to the JCS. However, Roxhill made a representation to extend the estate eastwards over open land to West Houghton.

2.11 This was rejected by the JPU (Appendix 9: Planning Assessments for Strategic Employment Site Alternatives) on the grounds that the scale of development proposed was not considered strategic for the JCS, and... “likely significant effects on the SPA / Ramsar site may not be capable of mitigation”.

2.12 The JCS includes at Policy S8 and Policy E8 a strategic employment site of 42 ha at Junction 16 of the M1. I draw the conclusion that the JCS considered but rejected the potential of an additional site allocation at BIE, and chose instead to prioritise a site at J16 of the M1. Thus whilst Policy S8 does support employment growth at Brackmills, Brackmills is but one of a number of areas where employment growth is supported.

2.13 I note from Mr Tricker’s proof (Section 5.4, para 5.4.3) that the TEMPro model has accounted for assumed growth in line with development plan policy. In regard to the Wootton /Hardingstone area, Table 5 of Mr Tricker’s proof sets out that the TEMPro model makes an allowance for an additional 1,196 jobs (and 796 households) to 2026. This more than covers the additional jobs as envisaged by the WN ELS 2012 (i.e. 675 jobs) for the remaining unconstrained prospective developable sites at Brackmills.
Vacancy levels

2.14 Mr Drake (Para 3.4 of his letter) states that there is 67,500 sqm of vacant floor space at Brackmills, which if occupied would add to vehicle movements. Mr Drake also states that the estate has an existing floorspace of 1 million sqm (Para 2.1). The BIE web site records 60,000 sqm. This means the vacancy level at BIE would be between 6% and 7%.

2.15 Mr Spicer of Savills comments in his letter that vacancy at BIE is actually much less than indicated in the property portals, with only 2 units above 10,000 sq m available, and one of these is under offer. He also comments it is normal and indeed necessary to have a level of vacancy to allow for market “churn”. It is therefore misleading for Mr Drake to imply 100% occupation should be assumed.

2.16 I also note from recent press reports that one of Brackmills major occupiers, Howdens (kitchens suppliers), has decided to extend its representation at Brackmills. Gary Rawlinson, Head of investor relations at Howdens, is reported (5 June 2015 - Northants Herald and Post) (Appendix C) to have said that:

“As a result of this decision, we will continue to operate from our existing national distribution centre site on Brackmills Industrial Estate, Northampton, where we have extended the lease to 2025”

2.17 Mr Spicer in his letter notes that Howdens now have approximately 121,000 sqm (1.3 m sq ft) of space at BIE. This suggests to me that if a major occupier such Howden is extending its lease to 2025, Brackmills remains a very attractive industrial location and one to which major occupiers are prepared to commit long term.

Anticipated growth of Brackmills businesses

2.18 At Para 2.6, Mr Drake refers to BIE’s own letter (CD 128) that 80% of businesses plan to grow between 10% and 40% over the period to 2017. At Para 3.4 Mr Drake says his… “principal concern with the proposed development on the appeal site relates to additional traffic generation on an already heavily congested highways network”.

2.19 Mr Tricker’s proof (para 5.4.4) sets out that his modelling builds in for the next 14 years 25% traffic growth in both peaks. Mr Tricker sets out in his rebuttal (para 1.10.10) that the forecast growth applied using TEMPRO, is based on the Wootton/Hardingstone geographical area (as stated within Mr Tricker’s proof at Section 5.4), and that this geographical area has been separately forecast from the wider Northampton town area in order to more accurately reflect the forecast growth in houses and jobs related to Hardingstone and the Brackmills Industrial Estate.
2.20 At para 1.10.13 of his rebuttal, Mr Tricker says all growth with policy support (i.e. committed / planned development) can be assumed to be included within the growth factors and that growth of Brackmills beyond current operation is included within the growth factors.

2.21 At Para 1.10.16 of his rebuttal Mr Tricker concludes that the amount of background growth factored into the Transport Assessment is “appropriate” and “robust” to address future development.

2.22 Further it cannot be assumed that business growth will automatically lead to more traffic on the roads or traffic at the peaks. For example, if older parts of the estate are capable of being redeveloped, Mr Spicer suggests this is more likely to be for distribution space rather industrial or offices space. Distribution space has lower employment densities than office/industrial space and could therefore reduce staff traffic movements at the peaks. In addition distribution/logistics firms are likely to continue to arrange deliveries outside the peaks.

2.23 I have had regard to BIE’s representations to the Local Planning Authority and this Inquiry over the Appeal proposals (CD128).

2.24 My reading is that BIE’s submissions do not object in principle to the Appeal proposals. Rather BIE requires to be convinced that the Appeal proposals would create nil detriment to the businesses located at Brackmills and that the mitigation and infrastructure measures proposed are in place prior to first occupations at the SUE.

2.25 Following a meeting with Sarah Horner Executive Chairman of BIE BID and Chris Barker BIE Estate Manager BID on 1 June 2015, Mr Tricker has sent a letter (attached at Appendix D) to the BID. This was a positive meeting and an opportunity to review the transport analysis, mitigation package, the timing of the mitigation measures and the range of benefits which the development would bring.

2.26 I draw on Mr Tricker’s evidence that the applicants proposed highways mitigation measures (S278 works), as well as contributions to the NGMS, that there would be nil detriment in transport terms from the Appeal proposals.

2.27 Other aspects of the Appeal proposals, including the local centre, a source of new adjacent labour, and the planning obligations package including providing new bus services and facilities, and a draft Travel Plan to maximise the use of sustainable transport modes, would benefit BIE in terms of services, sustainability, staff retention and recruitment.

2.28 I note from BIE’s own business survey of November 2013 (CD 128) that availability of staff, staff recruitment/skill levels, staff retention and public transport links are all described as “key challenges” on the BIE. In this regard the Appeal proposals would deliver significant benefits to the estate.
Lastly I note that in the JCS Inspector Report (para 54) that he states:

“The main objectives of the strategic employment policies are to retain and diversify the local economic base, whilst maintaining a broad balance between new homes and jobs”.

I conclude the JCS has balanced employment and housing needs in coming to its spatial strategy and policies for the distribution of development across West Northamptonshire.

3 HOUSING LAND SUPPLY - ADDITIONAL BUFFER

3.1 Mr Stephens refers to an Appeal by Rainier Properties Limited at land surrounding Sketchley House, Watling Street, Burbage, Leicestershire (Appeal Ref. APP/L2420/A/13/2208318). The Appeal decision was published on 18 November 2014.

3.2 The Inspector did not discover persistent under-delivery, noting that (IR para 14)

“whilst the housing target had been met only once since the adoption of the Core Strategy, there was no requirement that the delivery of dwellings should always match the annual average provision”.

3.3 However, other appeal decisions addressing the persistent under supply issue in the same Borough published before and after the Burbage decision, have arrived at different conclusions (my bold italics below).

Appeal Ref. APP/K2420/A/13/2200224 - Stanton Under Bardon Primary School) published on 31 March 2014. (See Appendix E)

3.4 The Inspector found (IR para 30)…..

“The economic downturn since 2008 has depressed house building. Nevertheless, in my view as part of the normal economic cycle these years still need to be included in an assessment of housing delivery. In my judgement, notwithstanding that the Council met its targets in 4 out of 5 years between 2001 and 2006, such performance amounts to persistent under delivery. As a result, in accordance with paragraph 47 of the Framework a 20% buffer, moved forward from later in the plan period, should therefore apply to the housing land supply target”.

3.5 At IR para 31 the Inspector also finds

“On this basis and the figures supplied by the Council and the appellant the Council has at best a 4.9 year housing land supply. This is a small shortfall. However, the Framework seeks to significantly boost supply and its position is that a housing land supply of less than 5 years would not do so”.
3.6 The Inspector commented (IR para 45)

“Both the Appellant and the Borough Council take the view that there is not a five years supply of housing land in Hinckley and Bosworth. There has been a shortfall in provision of 630 dwellings since 2006. Addressing this shortfall within the five year period, and applying a 20% buffer relating to persistent under-delivery, the Borough Council has calculated a requirement of land for 3,330 dwellings for the period 2014-2019” …and….. “Inclusion of a limited contribution from the SUEs (Barwell SUE and Earl Shilton SUE) acknowledges their current status, and is realistic given the clear intention to progress with both these major developments during the five year period” …and …. “Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. The contribution of the appeal site towards the provision of a five years supply of housing land carries significant weight in support of the appeal proposal”

3.7 Mr Stephens implicitly suggests in his evidence (Para 5.11) that the Council’s shortfall in housing delivery in recessionary years should be excluded from consideration when assessing persistent under-delivery. However the Inspector refers to a shortfall in provision of 630 dwellings since 2006, therefore including recessionary years in the assessment of housing supply as per the approach pursued by the appellant.

3.8 Appeal Ref (APP/K2420/A/12/2181080) relating to Land east of Groby Village Cemetery, Ratby Road, Groby, Leicestershire (see Appendix E) was published on 11 March 2015. This was a re-determined appeal which had regard to the different conclusions established in previous appeal decisions in the Borough (Hinckley and Bosworth).

3.9 The Inspector (IR para 15) found...

“There is some merit in taking a longer view than the period which is mainly encompassed by the recent recession in the housing market. The Planning Practice Guidance notes that the assessment of the local delivery record is likely to be more robust if a longer term is taken, which reflects the peaks and troughs of the housing market cycle”

3.10 I conclude from the Appeal decisions:

- That assessment of the level of housing delivery should be over a longer period to reflect the up and downs of the market

- That periods of recession need to be included in an assessment of housing delivery, as these reflect the normal economic cycles (i.e. the approach pursued by the appellant).

- Even where a shortfall in the deliverable housing land supply is considered to be small, the NPPF seeks to significantly boost supply and the Framework’s position is that a housing land supply of less than 5 years would not do so.
4 HERITAGE

4.1 As has been agreed in the Principal Statement of Common Ground (CD18) there are no issues relating to heritage that would constitute a reason for refusal (para 8.6 of PSoCG).

4.2 However, heritage aspects of the development have been addressed following objections to the proposed development by third parties. These are addressed in the form of a Heritage Note by Cotswold Archaeology (see Appendix F).

4.3 The purpose of the note is to summarise the Appellants’ and Council’s position with regard to heritage, and to address points made by third party objectors.

4.4 Conclusions drawn by Cotswold Archaeology find that the objections made on the grounds of heritage are unfounded and that the proposed development will not impact upon the significance of the Hardingstone Conservation Area or Listed buildings through changes to setting.

4.5 Cotswold Archaeology also conclude that the proposed development will not impact upon Wootton Conservation Area and the below archaeological remains within the site are not of a significance that would preclude development within the site.
Appendices

APPENDIX A: Letter from Charles Spicer, Director of Savills
09 June 2015

Julian Frost
Area Manager – Midlands South East
Homes and Communities Agency
Woodlands
Marton Lane
Bedford
MK41 7LW

Dear Mr Frost

Land to the East of Hardingstone: PINS Appeal Ref: APP/V2825/A/14/2228866

My name is Charles Spicer BSc (Hons) MRICS. I am a Director at Savills, Property Consultants specialising in industrial and logistics property based in the Birmingham office covering the wider Midlands region including Northampton. I have a detailed knowledge of the Brackmills Industrial Estate and the wider regional market.

Savills has been requested by the HCA to comment on the logistics and Industrial sector, and in particular the Brackmills Industrial Estate in Northampton.

Sector Overview

The industrial and logistics market is particularly buoyant at present. The sector is categorised by a shortage of quality stock, improved occupier demand and a weight of money coming into the sector from the institutions and similar. The key points of 2015, so far, to note are:

- The first quarter of the year has seen 6.5m sq ft of space transacted across 26 deals. This is 28% above the long term average for first quarters.
- 51% of all deals in the first quarter were in the Build to Suit sector (BTS).
- For the first time since 2013, The North West was the dominant market accounting for 23% of all space transacted.
- The last two quarters have seen a surge in the amount of speculative development with 19 schemes announced totalling 3.85m sq ft.
- Supply continues to decline with a fall of 1.5m sq ft recorded in the first quarter, even taking into account speculative schemes, which have completed and are now on the market.
- The average size of a speculative unit nationwide is 196,000 sq ft, however this does vary across regions from 137,500 sq ft in Yorkshire to 243,000 sq ft in the East Midlands.
- In the investment market, we have recorded a slight decrease in transaction volumes. In total £620m was invested into the sector in Q1 2015. However, Savills are currently tracking over £250m of stock and therefore we expect volumes to increase in 2015.

Northampton

Northampton is one of the UK’s most established logistics centres, being strategically situated at the centre of England and lying immediately to the east of the M1 motorway. The town has an approximate population of 212,000, with the main private sector employers being in the distribution and finance sectors. Major employers in the town include Nationwide, Barclaycard, Carlsberg, Coca-Cola, Howdens, Travis Perkins and Avon Cosmetics.
Northampton benefits from excellent road communications with the A43, A45, A508 and A428 all providing access to the surrounding areas, whilst the M1 provides access to the motorway network. Junctions 15, 15a and 16 of the M1 motorway are all easily accessible.

Northampton Railway Station provides regular train services to London Euston and Birmingham New Street with journey times of 46 minutes and 1 hour respectively.

**Brackmills Industrial Estate**

Brackmills Industrial Estate is often referred to as one of the region’s premier distribution parks. The estate has one of the largest concentrations of national and regional distribution warehousing units in the UK, its popularity resultant from its central position and excellent road links with the UK markets and sea ports. Major occupiers on the estate include Travis Perkins, Coca-Cola, Asda, DHL, Howdens, John Lewis and Wickes.

There is currently very limited availability of good quality stock on the Brackmills Industrial Estate. There will always be a churn of small units of say under 20,000 sq ft. However, at the time of writing there are only 2 units of over 100,000 sq ft available with one unit currently under offer.

<table>
<thead>
<tr>
<th>Address</th>
<th>Size</th>
<th>Comment</th>
</tr>
</thead>
</table>
| Brackmills 189  
Brackmills  
Northampton | 189,000 sq ft | Not formally being marketed. Occupied by GE who have a lease until 2017 but wish to vacate early. Formally marketing of the unit will shortly commence |
| Pinnacle 15  
Gowerton Road  
Northampton | 99,161 | Currently Under Offer.                                      |

It should be noted that a number of warehouse units are listed as being available on various property portals and indeed the Brackmills Industrial Estate website. Some of the listed properties have either been let or are under offer. As with any large industrial estate there will always be an element of ‘churn’ however in line with market conditions there is currently very limited availability on the estate.

Turning to development land, there are currently no significant plots available to the open market suitable for onward development. Coca Cola owns a plot of c.30 acres next to its existing facility off Gowerton Road, should it be needed for its own future expansion. Over the years a number of parties have tried to acquire this land for their own use or development without success. As such this land should not be considered as an ‘available plot’.

A number of lettings have recently been concluded on the Brackmills Industrial Estate and these are shown below.

<table>
<thead>
<tr>
<th>Address</th>
<th>Size</th>
<th>Comment</th>
</tr>
</thead>
</table>
| Former Office Depot  
Unit C Gowerton  
Road | 201,085 | February 2015 – Dalepak have leased the unit on a 10 year lease at a rent of £5.20 per sq ft. |
| Brackmills Industrial Estate Northampton |  | February 2015 – Howdens Joinery Group have taken a lease on unknown terms. |
| Brackmills 112,000 Brackmills Industrial Estate Northampton | 112,750 | |
| Former Panasonic Unit Brackmills Industrial Estate Northampton | 120,000 | November 2014 – Howdens Joinery Group have taken a sub-lease from Panasonic on unknown terms. |
| | | NB. In addition to their c.1 million sq ft unit already on the estate and the 2 transactions referenced take Howdens holdings on the estate to approximately 1.2 million sq ft. Testament to the strength and attractive nature of the estate. |
| B8 Brackmills Salthouse Road Brackmills Industrial Estate Northampton | 110,889 | Jan 2014 – Older unit on the estate leased by C Butt Ltd on a 10 year lease with a break at the end of year 5. |

Brackmills Industrial Estate has been developed over a number of years and as is common with estates of this size is now held under a number of different ownerships. Therefore redevelopment of some of the older units would be difficult given the various ownerships and leasehold interests. Should any parcels of land be able to be assembled, our view is that developers would seek to develop large distribution units in keeping with the market demand we have outlined above.

**Conclusion**

Brackmills Industrial estate is one of the most sought after industrial and logistics estates in the area, highly regarded by investors and occupiers alike given its excellent location.

Recent lettings as outlined above, demonstrate occupiers remain keen to take space at the estate. This is also reflected in there being very limited vacant floor space on the estate relative to its overall size.

There is very limited development land available to the open market, so the potential for additional new floorspace at the estate is restricted.

We trust that this letter is of assistance to the Public Inquiry. Should you need anything further please do not hesitate to contact the author of this letter.

Yours sincerely

Charles Spicer BSc (Hons)MRICS Director
APPENDIX B: JCS Planning Assessments Strategic Employment Sites
Appendix 9

Planning Assessments for Strategic Employment Site Alternatives
## Joint Core Strategy Alternative Strategic Employment Site Appraisal Planning Matrix Northampton Site Reference: SA46

### GENERAL INFORMATION

<table>
<thead>
<tr>
<th><strong>SA Site Reference</strong></th>
<th><strong>SA46</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Name</strong></td>
<td>Land East of Brackmills Industrial Estate</td>
</tr>
<tr>
<td><strong>Town</strong></td>
<td>Northampton</td>
</tr>
<tr>
<td><strong>Gross Site Area (Ha)</strong></td>
<td>18.6</td>
</tr>
<tr>
<td><strong>Assumed Capacity (Dwellings/ Floorspace)</strong></td>
<td>620,000 sq ft B8/B2 main use with ancillary B1 use</td>
</tr>
<tr>
<td><strong>Current Use</strong></td>
<td>Agricultural</td>
</tr>
<tr>
<td><strong>Greenfield/ Brownfield</strong></td>
<td>Greenfield</td>
</tr>
<tr>
<td><strong>Existing Planning Status</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

### JOINT CORE STRATEGY VISION, OBJECTIVES & POLICY S1 COMPLIANCE

<table>
<thead>
<tr>
<th><strong>Joint Core Strategy Vision</strong></th>
<th>Yes.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The site concentrates growth at Northampton and will support a focus for employment development in support of well-integrated neighbourhood communities.</td>
</tr>
</tbody>
</table>

**Objective 1 - Climate Change**

To minimise demand for resources and mitigate and adapt to climate change, by:

- Promoting sustainable design and construction in all new development;
- Ensuring strategic development allocations are located and designed so as to be resilient to future climate change and risk of flooding;
- Encouraging renewable energy production in appropriate locations; and
- Ensuring new development promotes the use of sustainable travel modes.

**Objective 2 – Infrastructure and Development**

To protect and enhance existing local services and to ensure social, physical and green infrastructure is adequately provided to meet the needs of people and business in a timely and sustainable manner in response to regeneration and new development in West Northamptonshire.

**Objective 1 - Climate Change**

Uncertain.

As a new employment area the development could offer potential for sustainable design and construction and opportunities for renewable energy.

Sustainable travel modes could be promoted. The site is adjacent to an existing area of employment activity and travel-to-work behaviours may be influenced by current patterns in this area. There is scope for additional jobs on this site to provide economies of scale to support existing sustainable transport options e.g. bus routes although the scale of development proposed may restrict these from being strategic in nature.

**Objective 2 – Infrastructure and Development**

Uncertain.

Growth at all locations across Northampton will require upgrades to utilities infrastructure. The site borders the established Brackmills employment area and may be able to unitise existing infrastructure. The site adjoins an existing road network and it may not need significant new development.
| Objective 3 - Connections | Development will also be required to link into the existing network of green infrastructure. This site is situated close proximity of the Nene Valley Sub-Regional Green Infrastructure Corridor – the Upper Nene Valley Gravel Pits SPA / Ramsar site also lie within 750m to the north. Therefore the design will need to have regard to the SPA / Ramsar site, ensure integration with the existing corridor and create new links to strengthen the network.

There are significant highways constraints on major routes around Northampton and a series of measures have been identified to mitigate the impacts of growth. This site would need to contribute to these mitigation measures and the delivery of development would be subject to the provision of necessary highway infrastructure. |

To reduce the need to travel, shorten travel distances and make sustainable travel a priority across West Northamptonshire by maximising the use of alternative travel modes. In so doing, combat congestion in our main towns and town centres, reduce carbon emissions and address social exclusion for those in both rural and urban areas who do not have access to a private car. |

| Objective 4 – Protecting and building urban communities | Yes. |

To ensure new development in urban areas effectively supports and links new and existing communities physically and socially, to achieve social cohesion and address the areas of deprivation identified in parts of Northampton and Daventry. |

The location of the site adjoining the existing urban area provides the opportunity for physical and social links between new and existing communities, in particular the provision of new job opportunities. The development of the site would be able to utilise existing services and facilities whilst providing new development which will benefit the existing community. |

| Objective 5 – Supporting Northampton Town Centre | Uncertain. |

To support the regeneration of Northampton’s town centre by making it the focus of high quality retail, employment, leisure and cultural development at the heart of Northamptonshire and to support the delivery of the Northampton Central Area Action Plan. |

Proposals for the development of the site represent an extension to an existing area of employment floorspace forming part of the main urban area of Northampton. |
Joint Core Strategy Alternative Strategic Employment Site Appraisal Planning Matrix Northampton Site Reference: SA46

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective 6 – Supporting Daventry Town Centre</strong></td>
<td>To support the regeneration of Daventry town centre through planned growth and infrastructure delivery.</td>
<td>No.</td>
</tr>
<tr>
<td><strong>Objective 7 – Supporting Towcester and Brackley’s Town Centres</strong></td>
<td>To support Towcester and Brackley in their rural service centre roles to ensure their communities are self-sufficient sustainable places and the towns are the focus of services and facilities for surrounding villages.</td>
<td>No.</td>
</tr>
<tr>
<td><strong>Objective 8 – Economic Advantage</strong></td>
<td>To strengthen and diversify West Northamptonshire’s economy by taking advantage of our internationally well-placed location, strategic transport network and proximity to London and Birmingham</td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>Objective 9 – Specialist Business Development</strong></td>
<td>To support and develop opportunities for specialist employment clusters and business development focused on a low carbon economy.</td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>Objective 10 – Educational Attainment</strong></td>
<td>To raise educational achievement and the skills base of our communities through supporting the development of West Northamptonshire’s learning infrastructure and strengthening the link between local businesses and local schools, Moulton and Northampton Colleges, the University of Northampton and Daventry and Silverstone University Technology Colleges.</td>
<td>Uncertain.</td>
</tr>
<tr>
<td><strong>Objective 11 – Housing</strong></td>
<td></td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>Joint Core Strategy Alternative Strategic Employment Site Appraisal Planning Matrix Northampton Site Reference: SA46</strong></td>
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<tr>
<td><strong>To provide a range of housing in sustainable locations to ensure all residents have access to a home that they can afford and that meets their needs. Housing development will be focused at the most sustainable location of Northampton, supported by Daventry and Towcester and Brackley in their roles as rural service centres with limited development in the rural areas to provide for local needs and support local services.</strong></td>
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</table>
| **Objective 12 - Protecting and Supporting Rural Communities**  
To protect and support rural communities to ensure they thrive and remain vital. |
| Uncertain.  
The site is located near to the north of the village of Great Houghton, and could provide accessible jobs for this settlement as well as across the urban area of Northampton.  
The development employment floorspace could, however, also have an adverse impact on the scale and residential character of this rural community. |
| **Objective 13 - Rural Diversification and Employment**  
To support rural diversification and rural employment opportunities, in particular those related to agriculture, horticulture and forestry. |
| No.  
The site would require the development of agricultural land the majority of which is classified as being Grade 3. |
| **Objective 14 – Green Infrastructure**  
To protect natural species present in West Northamptonshire and enhance the existing strategic green infrastructure network, including biodiversity corridors, by designing and incorporating these into Sustainable Urban Extensions at Northampton, Daventry, Towcester and Brackley. |
| Uncertain.  
Each strategic site allocation would be required to link into the existing network of green infrastructure.  
The site is classified as medium landscape sensitivity and therefore development could have a minor negative effect on landscape character.  
A landscape assessment noted that mitigation could reduce the potential impacts on the setting to the village of Great Houghton together with building design.  
The Upper Nene Valley Gravel Pits SPA/ Ramsar and SSSI is situated within 750m to the north of the site, as is the Hardingstone Flood Storage Area Local Wildlife Site. Potential Local Wildlife Sites are located within 250m of the site boundary. Development could have a negative effect on the biodiversity of these sites. |
### Objective 15 – High Quality Design
To achieve high quality design in both rural and urban areas that takes account of local character and heritage and provides a safe, healthy and attractive place for residents, visitors and businesses.

| The development of the site would also lead to the loss of some fields identified as important and optimal for bird feedings in relation to the integrity of the SPA/ Ramsar site to the north. A Habitats Regulations Assessment will be required. |

### Objective 16 – Heritage
To conserve and where possible enhance, through carefully managed change, the heritage assets and their settings of West Northamptonshire, and to recognise their role in providing a sense of place and local distinctiveness.

| Design of the site would need to take into account the setting of listed buildings and conservation areas. |

| Great Houghton Conservation Area which includes a number of listed buildings is near to the eastern edge of the site. |

### Policy S1 A) – Development will be concentrated primarily in and adjoining the principal urban area of Northampton

| Yes. |

| The site is located adjoining the built area of Northampton and the western edge of Great Houghton, although a degree of physical separation is provided by the playing fields attached to the Preparatory School. |

### Policy S1 B) - Appropriate development of a lesser scale will be located in and adjoining the sub-regional centre of Daventry town

| No. |

| The site is located partially adjoining the built area of Northampton. |

### Policy S1 c) - The development needs of the rural service centres of Towcester and Brackley and the rural areas will also be provided for.

| No. |

| The site is located partially adjoining the built area of Northampton. |

### Policy S1 d) - New development in the rural areas will be limited with the emphasis being on:
- Enhancing and maintaining the distinctive character and vitality of rural communities;
- Shortening journeys and facilitating access to jobs and services;
- Strengthening rural enterprise and linkages between settlements and their hinterlands; and

| Yes. |

| Allocation of this site would reduce the need for allocations across rural West Northamptonshire. However, the proximity of the site to the village of Great Houghton could threaten the distinctive character of the village and lead to coalescence with Northampton. |
Joint Core Strategy Alternative Strategic Employment Site Appraisal Planning Matrix Northampton Site Reference: SA46

- Respecting the quality of tranquillity.

### RELATIONSHIP WITH EXISTING SETTLEMENTS AND DEFENSIBLE BOUNDARIES

| Integration with the Urban Area | If developed the site would be physically attached to the existing urban area at its south east and could be well integrated with the existing employment area. |
| Relationship with other settlements | The site would extend the development of Northampton to the south east and would extend the urban area towards the village of Great Houghton. However, the development may not result in settlement coalescence as there would still be a distinct open area between the village and the employment site. The landscape assessment submitted by the proposers includes mitigation to reduce visual impacts as part of the associated provision of green infrastructure. However this would result in a substantial change in ground levels and extensive engineering works, which would significantly change the character of the existing fields and the habitat they provide. |
| Potential for defensible boundary | The development of the site represents an extension of Northampton into the open countryside as a result of a less well defined eastern boundary, representing a potential intrusion on the setting of Great Houghton although mitigation in the form of screening on this boundary could reduce these effects. The boundary to the north is defined by the A428 and existing employment area and to the south by a linear green space comprising the disused railway corridor. |

### DELIVERABILITY

| Available | The site is promoted and this is reflected by a submission as part of the SA pro-forma process. The site comprises elements under the ownership of the promoter and area under option to the site promoters but controlled via a third party. |
| Suitable | The site is located adjoining built settlement in Northampton, but the potential likely significant effects on the SPA/ Ramsar may compromise development on all or part of the site. |
| Achievable within the Plan period | The site could be developed during the plan period, but the environmental constraints relating to the SPA/ Ramsar site may not be capable of mitigation. |
| Infrastructure capacity and cost issues | Site specific infrastructure and cost issues are uncertain, but initial assessment has identified the following issues: |
  - Mitigation of likely effects on SPA/ Ramsar site; |
Joint Core Strategy Alternative Strategic Employment Site Appraisal Planning Matrix Northampton Site Reference: SA46

<table>
<thead>
<tr>
<th>Junction capacity on the A45;</th>
<th>Improvements to the local road network;</th>
<th>Incorporation of the existing green infrastructure corridor.</th>
</tr>
</thead>
</table>

**SA CONCLUSION**

Potential significant positive effects identified on the following SA objectives:
- Labour, market and economy.

Potential significant negative effects identified on the following SA objectives:
- Biodiversity, flora and fauna;
- Landscape and townscape.

**REASONS FOR RULING OUT OR INCLUDING THIS ALTERNATIVE SITE**

This site is **ruled out** for the following reasons:
- The site is too small (i.e. below 40ha) to be considered as a strategic employment allocation in the Joint Core Strategy.
- The site is likely to have a significant effect on the nearby SPA/Ramsar site, which may not be capable of mitigation. Further work will be required.

The site is included for the purposes of the Stage 2 assessment as a result of the inclusion of other sites below 40ha in size (namely Houghton Gate SA31) through to this stage at the request of the Inspector.

**STAGE TWO ASSESSMENT**

**DELIVERY CONSTRAINTS**

<table>
<thead>
<tr>
<th>Legend</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Absolute constraint with no mitigation technically acceptable or only possible beyond the plan period (2029).</td>
</tr>
<tr>
<td>B</td>
<td>Significant mitigation required affecting delivery timescale and/ or viability.</td>
</tr>
<tr>
<td>C</td>
<td>Mitigation possible with no impact on delivery.</td>
</tr>
<tr>
<td>D</td>
<td>No mitigation required.</td>
</tr>
<tr>
<td>Highways</td>
<td>No detail on precise highway improvements is available at this time although it is considered that development would require a new access to the A428. In isolation, the site would not cause capacity issues but, in combination with the growth required around Northampton, issues related to the A45 would be an absolute constraint. The development would be required to contribute towards strategic network improvements as identified within the Northampton Growth Management Strategy.</td>
</tr>
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</tr>
</tbody>
</table>
| Infrastructure and viability | Development of this scale would require delivery of:
- Upgrades to utilities infrastructure. The amount of spare capacity in the network is unknown at this stage;
- Mitigation measures to address highways constraints which may impact on delivery.
- The nature of on-site infrastructure provision will be based on the precise nature of development proposals for the site but significant additional costs may be associated with the mitigation of impacts upon the Upper Nene Gravel Pits SPA / Ramsar site and the provision of green infrastructure associated with the location. |
| Flood risk, waste water and water resources | Development across the Northampton area will require upgrades to the Great Billing Water Treatment Works.

All of the site is within the flood zone 1 and as such would be at minimal risk from fluvial flooding.

The site may be subject to surface water flood risk and any development will be required to manage surface water so that run-off is not increased by the development and as far as practicable is reduced to greenfield run off rates. It is anticipated that this will require appropriate SUDs.

In terms of waste water, it is likely that the site would need to be connected into the local drainage network and then be served by the nearby existing network sewer. Capacity in the local network is uncertain and local system upgrades to connect may be required. Modelling has indicated that there is capacity for existing SUE proposals, without causing an increase in foul flooding; however |

<p>| C | B | C |</p>
<table>
<thead>
<tr>
<th>Aspect</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development capabilty</td>
<td>Development could increase spills from combined sewer overflows in Northampton. Further work may be required to confirm capacity and to ensure that any increase in spills from overflows does not pose a downstream water quality or flood risk issue.</td>
</tr>
<tr>
<td>Water supply</td>
<td>Water supply is likely to be available and it is likely that there is sufficient capacity to serve the site with an appropriate water supply infrastructure scheme and subject to high standards of water efficiency.</td>
</tr>
<tr>
<td>Visual sensitivity</td>
<td>The site is low lying and would be most visible from vantage points to the north; SSSI and SPA / Ramsar designations in this vicinity means there is potential that development in this location could have a significant negative impact on these environmental designations.</td>
</tr>
<tr>
<td>Nearby village identity</td>
<td>The nearby village of Great Houghton retains its separate identity as it is detached from the urban part of Northampton. Proposed development of the site for employment uses would have a consistent visual relationship with existing commercial premises to the west and south but would have a more significant effect on the residential setting of Great Houghton to the east.</td>
</tr>
<tr>
<td>Landscape assessment</td>
<td>Landscape assessment of the site as part of the proposed development suggests screening and landscaping to the south and east of the site could mitigate impacts in this direction but there may be effects on the developable area of the site as a result of considering these measures in detail.</td>
</tr>
<tr>
<td>Proximity to existing villages, towns and other development</td>
<td>Proposed development of the site for employment uses would be well related to existing commercial premises to the west and south but would represent intrusion of development types out of keeping with the residential and rural character of Great Houghton in close proximity to the south-east of the site. The exact nature of such impacts would depend on specific development proposals and mitigation provided through landscape and green infrastructure provision.</td>
</tr>
<tr>
<td>Development location</td>
<td>Evidence indicates that the location of the site may have significant effects on the nearby Upper Nene Gravel Pits Ramsar / SPA; the scale of mitigation required may impact on the developable area of</td>
</tr>
</tbody>
</table>
the site and may not be deliverable within the original plan period (to 2026).

Additional mitigation costs may also be associated with consideration of the setting of Great Houghton to the east, including mitigation of the locally significant landscape associated with this location. This may affect the developable area as part of considering detailed proposals for the site. Highways infrastructure requirements for the site in isolation may be of a scale that would not impact on delivery of the site, but would need to be considered in combination with other proposed development and contribute to the requirements for Northampton overall. The site is likely to be attractive for economic development in-line with the proposed use of the site, given the successful operation of the Brackmills employment area for similar functions adjacent to the site.

However, the scale of mitigation likely to be associated with considering detailed proposals for the site may impact opportunities to viably develop the site. The scale of development proposed is not considered strategic (i.e. below 40ha gross site area) and the site is precluded from identification in the Joint Core Strategy on this basis.

**CONCLUSION - REASONS FOR NOT INCLUDING THIS ALTERNATIVE SITE IN THE JOINT CORE STRATEGY**

- The scale of development proposed is not considered strategic (i.e. this site is below 40ha gross site area) and the site is precluded from identification in the Joint Core Strategy on this basis.
- The likely significant effects on the SPA / Ramsar site may not be capable of mitigation.
APPENDIX C: Newspaper Article, Northants Heralds and Post
Plans for a huge warehouse next to the M1 near Northampton have been scrapped, to the delight of nearby residents.

Kitchen suppliers Howdens has withdraw its planning application to build a new 2.67 million square foot distribution centre next to junction 15 of the M1, near Northampton.

The plan was to build the complex - which would have become the company’s national distribution centre - on the border of Collingtree, near to Grange Park and Milton Malsor.

But following weeks of disapproval from nearby residents, it is no longer happening.

Related content

Villagers to unite in protest walk against 'enormous' warehouse plans near Northampton

Gary Rawlinson, the head of investor relations at Howdens, said: "The decision for the withdrawal has been based on a number of factors, including that the application is very likely to be recommended for refusal.

"As a result of this decision, we will continue to operate from our existing national distribution centre site on Brackmills Industrial Estate, Northampton, where the we have extended the lease to 2025."
"We have also agreed to lease a new warehouse to be built near Raunds and, as part of our long term needs, we are hoping to redevelop the Brackmills site, subject to agreement with the landlord.

"We are very keen to stay in Northampton because it is a good location to be in on a logistics point of view. We also have a long heritage in the town - we have been here for about 35 years.

"One thing we really don't want to do is lose our employees is because we value them. So Northampton is the perfect place for us."

The withdrawal of the application comes ahead of a protest march which the residents of Collingtree, Milton Malsor, Blisworth and Roade had planned for this weekend.

But despite the withdrawal, the march is still going ahead in case any further applications are submitted for the site in future.

It is hoped the walk will raise awareness of the risks of any future distribution developments, such as the effects of air pollution from extra lorries, and the travel chaos which is feared could ensue on the M1 from the increase in traffic.

The news of the planning application has come as great joy to residents in the area, including Jan Collins, a parish councillor for Milton Malsor.

After hearing the news, she told the Northants Herald and Post: "We are really delighted.

"We are also pleased that the company has found an alternative site.

"From our perspective, all four parishes have been really united in fighting these plans, so we are really happy that the hard work has paid off.

"Obviously the help with the media as well, it has all helped to perhaps sway them to withdraw the application."
APPENDIX D: Letter from Jon Tricker, Homes and Communities Agency
Dear Sara

Land East of Hardingstone, Planning Inquiry – Transport Position

Many thanks for meeting Julian Frost (HCA), Graeme Tulley (GLH Planning) and myself on 1st June 2015. We felt it was a positive meeting and are grateful for the opportunity to explain the Appeal scheme and its relationship to Brackmills Industrial Estate BID, in the context of your letter dated 20th January 2015 to PINS and your letter of 14th February 2014 to Nicky Toon at Northampton BC (which includes the BID’s response to the Appeal application).

This letter sets out the confirmation that the HCA scheme achieves ‘nil detriment’ in highway terms and assurances that the mitigation measures will be delivered in time to address any impacts.

“Nil Detriment”

As I explained, the HCA has sought through the application process and submitted Transport Assessment (TA) to demonstrate ‘nil detriment’ on the highway network including Brackmills. The Revised TA submitted ahead of the May 2014 Planning Committee has been fully agreed with Northamptonshire County Council (NCC), the highway authority and also the Highways England (formerly Highways Agency), who manage the A45. NCC, as highway authority, has asked us to demonstrate the same ‘nil detriment’ sought by BIE.

Mitigation measures

These agreements are made subject to a large package of transport improvements costed at between £5 – 6m and will be complementary to the Northampton Growth Management Scheme (NGMS) which will invest a further circa £12m on the A45 in the Northampton area, which includes a circa £1.2m contribution by the appeal site.
The agreed highway improvements, will be delivered via a series of Planning Conditions (Section 278 Works) and Planning Obligations (Section 106 Contributions). All of the analysis and mitigation schemes within the TA are fully agreed with NCC, and this is confirmed via the attached Statement of Common Ground.

Locally to the development site, the HCA will deliver a number of new development accesses, walking improvements in the form of new crossings and bus related infrastructure.

The HCA accept that a proportion of traffic will use roads through Brackmills estate, mostly to access Brackmills interchange and have agreed to provide a series of junction capacity improvements, comprising:

- Improvements to Landimore Road / Gowerton Road roundabout – in the form of wider entry arms
- Improvements to Caswell Road / Rhosili Road junction – in the form of wider entry arms and a ‘dedicated left lane from Caswell Rd (n) to Rhosili Rd.
- Improvements to Queen Eleanor Interchange – in the form of wider entry arms and additional roundabout lanes.
- Improvements to Brackmills Interchange – in the form of wider entry arms and additional roundabout lanes.

Collectively, these improvements have been shown to achieve the ‘nil detriment’ test and the highway network will be left in no worse condition in the agreed test year of 2026 and the analysis is fully agreed with NCC.

Furthermore, the analysis has been robust in terms of the amount of traffic growth added to the network to forecast conditions in the 2026 base. In this instance, we have added 25% background growth to the network (as well as traffic generated by the appeal scheme) and this is shown to include planned strategic development within Brackmills and the local area. This and other assumptions have ensured that a number of layers of robustness have been added to the analysis.

In addition, a transport related Section 106 contribution towards NGMS, local traffic management and improvements to non-car modes of transport within the vicinity of the site has been agreed. This comprises:

- A contribution of circa £1.2m towards the NGMS. This contribution will fund works to the trunk road network on the A45 and also provide complementary works to its associated junctions.
- A contribution of circa £1m towards the London Road Bus Priority scheme.
- A contribution of £2,750 shall be paid to the Highway Authority towards Traffic Order making associated with speed limit changes from 40 – 30mph on Landimore Road.
- A contribution of £40,000 towards bus shelter maintenance.
A commitment to deliver bus improvements in the form of a ‘Service Level Agreement’. The agreement details are more fully set out in the agree SoCG with NCC (attached), but in summary the HCA will contribute towards new buses and deliver a new service on Landimore Road with a 20-minute service (Mon-Sat 0700 -1900h), to the town centre via Brackmills Bus Station Pavilion Drive, and Northampton General Hospital, and Grange Park. The implementation of the route will be phased and with commitments on 50th, 200th and finally 400th housing unit complete.

Finally, the HCA have agreed a draft Travel Plan for the site, which has been subjected to a review by NCC. The Plan seeks to maximise the use of sustainable transport modes and reduce car-borne impacts. Over the initial five years of the site operation, the plan would evolve further as part of a process of target setting, monitoring and delivery of measures.

**Timings**

Regarding timing, NCC requires the various physical improvements to be delivered upon first occupation, whilst the NGMS and bus based improvements will be phased over the early part of development. The works are phased to ensure that mitigation is in place at the right time, or indeed earlier. At QE and Brackmills, the highways work will be implemented prior to first occupation and as the works are designed to mitigate the impact arising from 1000 units (plus ancillary development), will therefore create an ‘interim benefit’ to the network in the early year after development, as the development will not use all the extra capacity for some time.

As I said at the meeting, Highway England has confirmed that QE and Brackmill interchange form the highest priority and HE has secured the majority of funding to deliver improvements at these junctions and this is confirmed via a recent Position Statement. Should Hardingstone SUE be granted consent, our current estimate means Section 278 improvements will be place by during summer 2017, prior to first occupation and aligned with NGMS.

**Wider benefits**

In addition to the highway improvements, the HCA consider there are also wider benefits to Brackmills in the form of improved bus services including the new route on Landimore Road, which currently doesn’t exist, meaning that Brackmills employees cannot access residential neighbourhoods to the south by bus.

Additionally, the Appeal proposals at Hardingstone SUE will deliver 1000 new homes, approx 24% of which will be affordable and allow people to live closer to work. Finally, I suggest the proposed Travel Plan will complement your own travel initiatives and help transfer a proportion of travel onto sustainable modes like walking and buses, but also including other measures like car sharing and cycling.
Other Matters

As discussed at the meeting, Julian Frost confirms that the HCA has recently marketed Site A, Caswell Road and that the site is now under offer. The HCA’s expectation is that contracts will complete in the near future. The HCA’s transfer will restrict the use of the site to the mix of uses permitted by the 2012 planning consent (WN/2007/0421). These include a hotel (Use Class C1); retail units (Use Class A1, A2 and A3); Office units (Use Class B1); Nursery (Use Class D1) and Business Units (Use Classes B2 and B8). The HCA’s expectation is that the developer will work up scheme proposals in accordance with this restriction. Subsequent delivery of development of the site will ultimately be subject to obtaining planning permission for the developer’s proposals and viability but it is, hopefully, of interest to you that this site is now the subject of active developer interest.” This is necessarily non-committal but hopefully makes the point to the BID that there is a prospect that the site will come forward for the amenity use.

Conclusion

This letter has confirmed the transport mitigation, which the HCA have put forward and agreed with NCC, the highway authority and Highways England as highway authority for the A45, in order to achieve ‘nil detriment’ in highway terms. Furthermore, this letter gives assurances that the mitigation measures will be aligned with development phasing in order to address any impacts as they arise and there are also further wider benefits for Brackmills BID, including improved bus services and new local affordable housing.

It has been extremely helpful to be able to explain the latest transport position to you and should you have any further questions, please contact me directly on 07917 436933.

Yours sincerely

Jon Tricker
Director, Phil Jones Associates

CC Chris Barker, Brackmills BID
Julian Frost, HCA
Graeme Tulley, GL Hearn

Enc. - SoCG
APPENDIX E: Appeal Decisions
Appeal Decision

Hearing held on 20 November 2013
Site visit made on 22 November 2013

by I Radcliffe  BSc(Hons) MCIEH DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2014

Appeal Ref: APP/K2420/A/13/2200224
Land adjacent to Stanton Under Bardon Primary School, Main Street, Stanton Under Bardon, Leicestershire LE67 9TQ
• 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 Milner Arable against the decision of Hinckley & Bosworth Borough Council.
• The application Ref 12/01052/OUT, dated 29 November 2012, was refused by notice dated 28 March 2013.
• The development proposed is the erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond on land adjacent to Stanton Under Bardon Primary School, Main Street, Stanton Under Bardon, Leicestershire LE67 9TQ in accordance with the terms of the application, Ref 12/01052/OUT, dated 29 November 2012, subject to the conditions in the schedule at the end of this decision.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account insofar as they are relevant to my consideration of the principle of the development on the appeal site. A section 106 agreement has also been submitted which I have taken into account.

3. The parties made reference to various appeal decisions in support of their cases. The decisions came to different conclusions in relation to the 5 year housing land supply and used different methodology. Following the close of the hearing the appellant submitted a copy of a recent appeal decision in relation to an Inquiry1 in the Borough. This decision also included an assessment of housing land supply. At the time of writing one of the decisions in the Borough has been quashed by order of the High Court2. Two other decisions in the Borough are also subject to High Court Challenges. I have taken all the unquashed decisions and the comments of both parties in relation to them,

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1 Reference APP/K2420/A/13/2202261
2 Bloor Homes v Secretary of State for Communities and Local Government [2014] EWHC 754 (Admin) quashed

Appeal Ref APP/K2420/A/12/2181080

www.planningportal.gov.uk/planninginspectorate
together with the court judgement, into account as part of the context of this appeal.

**Main Issues**

4. The main issues in this appeal are;
   - whether the location of the proposed development would be in accordance with the development plan for the area; and,
   - whether the proposal would be a sustainable development.

**Reasons**

*Development plan*

5. The development plan consists of the Core Strategy (adopted in 2009) and the saved policies of the Hinckley and Bosworth Local Plan (adopted in 2001). The National Planning Policy Framework (the Framework) and Planning Practice Guidance issued on 6 March 2014 are material considerations in this case. I have taken both into account.

6. It was agreed at the hearing that the site is not within the defined limits of the village but adjoins it. As a consequence, for planning policy purposes it lies within the open countryside. Policy RES5 of the Local Plan only supports housing on land that has not been allocated for housing if the site lies within the boundary of the village. Policy NE5 of the Local Plan seeks to strictly control new development within the countryside. Only development which is important to the local economy, involves existing buildings, or is for sport, or recreation purposes will be allowed. As a consequence, the proposed development is contrary to policies NE5 and RES5 of the Local Plan.

7. However, the policies of the Local Plan that relate to new housing in rural villages, such as Stanton under Bardon, were formulated some 13 years ago. As a consequence, and having regard to the advice in paragraph 215 of the Framework, less than full weight should be given to these policies. That said, the Local Plan remains part of the development plan and I have accordingly considered the proposal against its policies, as well as the Core Strategy and the Framework, and shall conclude on the weight I can attach to them in my overall balancing judgement.

8. The Council rely on the more recent Core Strategy. The Core Strategy’s approach to new housing development in the Borough has been to establish a settlement hierarchy with the focus of new development within urban areas where it is intended 85% of new houses will be built. The hierarchy supports some limited housing development within the settlement boundaries of rural villages\(^3\), such as Stanton under Bardon, in order to support local services. Policy 12 of the Core Strategy supports new housing within the settlement boundaries of the village. It also supports the allocation of new land for housing.

9. In determining the amount of new housing that is to be supported in individual villages the Council has used a rural housing methodology. Based upon the 2004 population estimates 30 new houses are needed in Stanton under Bardon to maintain population levels. This is supported by the 2011 census results.

\(^3\) 3% of new housing in the Borough
Policy 12 of the Core Strategy identifies this as the minimum number of new houses in the village.

10. Since the adoption of the Core Strategy planning permission has been granted for two housing developments in the village. Between them these schemes will provide 66 new dwellings. The proposed development would increase this number to a total of up to 91 houses. There is no evidence that the existing services in the village, which policy 12 of the Core Strategy seeks to support through new housing development, are under threat.

11. The appellant states that the 10 affordable homes would help meet the demand for affordable housing in the village. The Council’s housing register for the village has a total of 348 applicants for the village. However, as the register captures all applicants in the Borough who are willing to live in the village this is not the same as a local housing needs survey. With the number of houses under construction in the village, and the affordable housing provided as a result, it seems reasonable to conclude that whilst the housing needs of the Borough have not been met the local housing needs of Stanton under Bardon have been exceeded.

12. The Core Strategy seeks to focus development in urban areas of the Borough. New housing development in the village comfortably exceeds the minimum sought by the Core Strategy since it was adopted in 2009. In conjunction with two housing developments granted it is estimated the number of households in the village will increase by 22% to 25% if the development goes ahead. Taking all these matters into account, in my judgement, as a matter of fact and degree, the proposed development would result in the village contributing disproportionately more new housing against the Core Strategy targets than the urban areas. I therefore conclude that the proposed development would be contrary to the objectives of policy 12 of the Core Strategy which seeks limited development in rural villages in order to support existing services. As a result, the proposed development would cause some harm to the spatial vision for the District.

**Sustainable development**

13. Sustainable development and the presumption in its favour are at the heart of the Framework. The Core Strategy identifies that rural villages such as Stanton under Bardon have more limited services than Key Rural Centres. The appeal site is centrally located within the village and so is within walking distance of the facilities and services it has to offer. This includes a village shop, post office, public house, community centre, play area, church and primary school. As a consequence, the village is capable of meeting some of the day to day needs of its residents.

14. The Local Transport Plan and the 6C’s Design Guide are produced by the County Council. The LTP supports a sustainable integrated transport system. The Design Guide advises that rural housing sites should be located within convenient access of an hourly bus service. Neither document forms part of the development plan. However, as guidance they are material considerations to which I attach some weight.

15. In terms of transport, a two hourly bus service operates on every day of the week apart from Sundays. It connects the village with Coalville, Leicester and other settlements in the locality. Mondays to Fridays the bus service allows
residents to commute to and from work and the secondary school. As a consequence, people without a car would not be isolated within the village. In terms of walking and cycling, Markfield is the nearest settlement with a wider range of services. However, at some 2 miles distant along undulating roads with fast moving traffic this settlement is not readily accessible on foot or by bicycle.

16. For reasons of convenience and quicker overall travelling time, it is reasonable to assume that many of the development’s future residents who needed to commute would choose to do so by car. However, notwithstanding the transport guidance provided by the County Council, given the presence of the bus service the proposed development would be reasonably well served by public transport. As a result, residents would have the opportunity to make sustainable transport choices in accordance with the objectives of the Framework.

17. Ten planning applications dismissed on appeal due to their unsustainable location have been referred to by the County Council. However, it is an established planning principle that each case is assessed on its merits. The Inspectors in the cases referred to would have exercised their planning judgement on the evidence in relation to that particular case. I have similarly used my judgement in relation to this case. The decisions referred to therefore have not altered my assessment of the sustainability of the village’s location.

18. Turning to the economic aspects of sustainability, the construction of the proposed development and the fitting out of the dwellings would generate employment. Whilst on the basis of the Council’s submissions it appears that the village shop, post office and the public house are not struggling, the spending post completion of up to additional 25 households would benefit the economy of the village and the area. In terms of the social aspect of sustainability, the proposed development would help address the shortage of housing generally in the Borough and the shortage of affordable housing.

19. The local primary school is close to capacity. Once the two housing developments which are already under construction are built out there will be a shortage of places. The proposed development would increase this shortfall. However, planning obligations provide a mechanism for the effects of new development on local infrastructure and services to be addressed. The sum provided for in the submitted section 106 agreement would provide funding to expand the school to cater for the additional pupils generated by the proposed development.

20. In relation to the environment, development of the site would result in the loss of a greenfield site within the countryside. However, the site is adjacent to the settlement boundary and is enclosed by the primary school to the south and a new housing scheme to the north. As a consequence, it is common ground that there would be no harm to the character and appearance of the area. Good design is a key aspect of sustainable development. With the control that the Council could exert at reserved matters stage there is no reason why an attractively designed development that complements the character and appearance of the area could not be built.

21. Taking all these factors into account, I conclude that the proposal would be a sustainable development. As such the presumption in favour of sustainable development, as set out in the Framework, applies in this case.
Other matters

Housing land supply

22. Paragraph 47 of the Framework advises that Local Planning Authorities should have sufficient deliverable sites to deliver housing over a 5 year period to meet the target contained within the development plan. The Core Strategy was adopted prior to the publication of the Framework. It requires that 9,000 houses are built over its 20 year life span from 2006 to 2026 – the equivalent of 450 houses per year. The housing requirement is based upon The East Midlands Regional Plan. Whilst this has since been revoked, the data on which the allocations were made remain the most up to date and tested figures presently available for the District. As a consequence, it is the best figure available to use as a basis for calculating the housing requirement for the area. The building rate over the first seven years of the Strategy to 2013 has lagged behind the annual target of 450. As a result, there is a shortfall of over 600 units.

23. There is a difference of opinion between the main parties on two matters. Firstly, over what length of time the shortfall should be addressed. Secondly, whether the Authority has persistently under delivered against its annual housing target.

24. My attention has been drawn to 4 appeal decisions relating to different sites in the Borough issued since the publication of the Framework where these two issues have been considered. In the earliest and first of these decisions, the Inspector found that persistent under delivery had occurred and that the shortfall should be addressed over the next five years. In contrast in the second and third decisions the Inspectors found that persistent under delivery had not occurred and that the shortfall should be addressed over the remaining lifetime of the Core Strategy (12 years). However, the second decision was recently quashed by the High Court. In the fourth and most recent decision the Inspector clarified that although the second appeal was dealt with at an Inquiry, where matters could be fully argued through, this occurred before the decision on the first appeal was published. As a consequence, the fourth and most recent appeal decision was the first time that the two conflicting approaches had been tested at an Inquiry. This is an important consideration.

25. Of the appeal decisions referred to I therefore consider that the fourth and most recent decision to be the most relevant. It found that persistent under delivery had occurred and that the shortfall should be addressed over the next five years. Nevertheless, previous decisions alone cannot be decisive. In assessing housing land supply I have carried carry out my own assessment based on all the evidence and submissions made in relation to this appeal.

26. In relation to the length of time over which the shortfall should be dealt with, the Council contends that it is acceptable to spread the shortfall evenly over the remaining 12 years of the Strategy (the Liverpool approach). This is consistent with the approach of the Core Strategy which backloads housing delivery. However, it would mean that the current shortfall would not be fully addressed until 2026.
27. The recently published Planning Practice Guidance advises that where possible the past undersupply of housing should be dealt with within the next five years (the Sedgefield approach). The draft version of the guidance referred to at the hearing did not exist at the time that the second and third decisions were reached. A recent Planning Advisory Service publication\(^8\) advises that the Sedgefield approach is more closely aligned with the requirements of the Framework and the need to boost significantly the supply of housing. This document had also not been published at the time that the Inspector issued the second decision and is not referred to in the third decision. Both documents indicate therefore that shortfalls should be promptly addressed.

28. The approach of addressing the shortfall over the remaining 12 years of the Core Strategy was supported by the Inspector in the second decision that was recently quashed by the High Court. It was also the approach supported by the Inspector in the third decision. The report on the Core Strategy noted that the Site Allocations and Development Management Policies DPD was due to be submitted for examination in 2010. It is apparent from the most recent decision that this document has not yet been submitted for examination. The Barwell Sustainable Urban Extension (SUE) has received outline planning permission pending the signing of a section 106 agreement. However, as the report on the Core Strategy notes the housing trajectory projected first development in the SUEs in 2012/13. This target has also been missed. The most recent Inspector’s view was that because the Earl Shilton SUE was still at discussion stage it is possible that it would contribute little until the very end of the plan period. Having considered the submissions and evidence in relation to this appeal I agree with his assessment. The Core Strategy report envisaged that the Area Action Plan for the SUEs would be adopted in 2011. However, adoption has not yet occurred. This adds further delays to the process.

29. In the 8 months that elapsed between the third decision and the most recent decision there is evidence that the progress necessary to address the shortfall over the remaining years of the Core Strategy has not taken place. The approach of addressing the shortfall over the remaining 12 years of the Core Strategy predates the Framework. Addressing the backlog in this manner would build in even more delays and regularise under provision. In my view, given the emphasis in paragraph 47 of the Framework on significantly boosting housing delivery and the guidance referred to, the correct approach would be to address the shortfall over the next 5 years, rather than over the lifetime of the Core Strategy. For these reasons, I therefore prefer the Sedgefield approach to the Liverpool method favoured by the Inspectors in the second and third appeals.

30. Turning to under delivery, the Council has met its annual housing target of 450 houses only once in the 7 years since the start of the period covered by the Core Strategy. This finding includes completions for 2012/13, which the Inspector in the second decision would not have had and which is not referred to in the third decision. The economic downturn since 2008 has depressed house building. Nevertheless, in my view as part of the normal economic cycle these years still need to be included in an assessment of housing delivery. In my judgement, notwithstanding that the Council met its targets in 4 out of 5 years between 2001 and 2006, such performance amounts to persistent under delivery. As a result, in accordance with paragraph 47 of the Framework a

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\(^8\) Document 10
20% buffer, moved forward from later in the plan period, should therefore apply to the housing land supply target. For these reasons, I therefore find that the 5% buffer preferred by the second and third Inspectors is not appropriate.

31. On this basis and the figures supplied by the Council and the appellant the Council has at best a 4.9 year housing land supply. This is a small shortfall. However, the Framework seeks to significantly boost supply and its position is that a housing land supply of less than 5 years would not do so.

32. Taking all these matters into account, I therefore conclude that a shortfall in housing land supply exists. The development plan seeks to deliver a 5 year supply but is not doing so. Against this background this is a deliverable site which would contribute towards the housing shortfall.

**Highway safety**

33. The proposed site access emerges onto Main Street next to the village primary school. In terms of pedestrian visibility, 1m by 1m splays on either side of the entrance are proposed. Guidance within the County Council’s 6C’s Design Guide normally seeks pedestrian visibility splays of 2m by 2m. However, national guidance contained within ‘Manual for Streets’ and ‘Manual for Streets 2’ advises that the absence of wide visibility splays at minor accesses encourages drivers to emerge cautiously. In terms of assessing the appropriateness of the visibility splays proposed it advises that the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway should be taken into account.

34. In term of frequency of movements, the proposed development would generate 22 movements off the site each day between 08:00hrs and 10:00hrs. This equates to one vehicle every 5 minutes. In the afternoon between 14:00hrs and 16:00hrs the figure would be 11 movements, which is equivalent to one vehicle every 11 minutes. Therefore during school opening and closing times when there would be a significant number of pedestrians using Main Street vehicle movements off the appeal site would be low. In addition the footway outside the school at 7.5m in width is particularly wide. I recognise that vehicles often park on part of the footway. However, in my judgement, owing to the presence of street furniture outside the school, parking would not reduce the width of the footway to the extent that the visibility splays proposed would be inadequate. Taking all these matters into account, I therefore find that the proposed access would be safe in relation to pedestrians.

35. In relation to visibility of traffic on the highway, satisfactory visibility splays would be provided. In terms of the width of the access, it would be sufficiently wide to cater for the footpath and a carriageway wide enough to allow a refuse vehicle to safely turn into and out of the site. The proposed access width would therefore be in compliance with guidance contained within DG18 of the County Council’s 6’s Design Guide.

36. For all of these reasons, I therefore conclude that suitable and safe access would be provided to the site.

**Quarrying**

37. An extant planning permission exists for rock extraction at Old Cliffe Hill quarry which is located approximately 300m away from the appeal site. The Council
has undertaken investigations. It is satisfied that the properties on the appeal site and the living conditions of future occupiers would not be adversely affected by the quarry to a material degree. I have no reason to disagree with that assessment.

**Affordable housing and local infrastructure**

38. A signed and dated unilateral undertaking in relation to affordable housing, play and open space, National Forest planting and civic amenity site has been submitted. The provisions sought have been assessed having regard to the tests in paragraph 204 of the Framework and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

39. In terms of affordable housing, on the basis of the available figures there is an established unmet need in the Borough. In accordance with Policy 15 of the Core Strategy, and the Affordable Housing supplementary planning document, provision for affordable housing needs to be made. In this instance, as the site is in a rural area, 40% of the dwellings built are sought as affordable housing. Having regard to the tests referred to, I find that the provisions in the agreement relating to affordable housing are necessary, relate directly to the proposed development and fairly and reasonably relate in scale and kind to it. This provision therefore satisfies the tests in the Framework and accords with the Regulation.

40. Policy 19 of the Core Strategy, saved policies REC2 and REC3 of the Local Plan and the Play and Open Space supplementary planning document (SPD) seek to deliver open space as part of residential schemes. Where on site provision is not to be made Policy IMP1 of the Local Plan allows a financial contribution towards off site provision to be sought.

41. In this case the sum of £17,953.65 is sought for the provision of informal equipped play facilities and £8,749.13 for the maintenance of these facilities. This has been calculated in accordance with the SPD. An assessment of play and open space in the village in 2005 identified that in terms of quality a deficit existed which would cost £50,000 to address. As a result, a contribution is necessary to mitigate the impact of the new development on already substandard local provision. Since then recent permissions in the village have secured contributions of £47,151 for the provision of such facilities and £22,977.50 for their maintenance. Nevertheless, allowing for the slight shortfall in monies so far received against the £50,000 target, and the effects of inflation over the last nine years, the sum sought is fairly and reasonably related in scale and kind to the development. As it would be spent locally it would also be directly related to the development.

42. Policy 21 of the Core Strategy requires, amongst other matters, that development will provide on site or nearby landscaping that meets National Forest development planting guidelines. In lieu of onsite provision a contribution of £3,800 is sought towards the cost of purchasing land, creating new woodland and providing public access to it. The contribution sought is necessary to comply with the requirements of the development plan. As it has been calculated in accordance with the ‘National Forest Guidelines for Developers and Planners’ it is fairly and reasonably related in scale and kind to the development. Furthermore, given that it would be spent locally it would also be directly related to it.
43. A contribution of £1,777.99 to mitigate the effect of the development on the local civic amenity site in Coalville is sought. Policy IMP1 of the Local Plan in principle supports such provision. The amenity site has a shortfall in capacity which the proposed development would materially exacerbate. As a result, a contribution towards a new waste management storage unit is necessary. As the sum sought would reflect the additional waste future residents would generate it is fairly and reasonably related in scale and kind to the proposed development.

44. As a consequence, all the sums sought satisfy the tests in the Framework and accord with the Regulation. All the provisions of the section 106 agreement should therefore be taken into account.

**Overall Conclusions: The Planning Balance**

45. For the reasons that I have set out earlier the proposal would be contrary to the development plan. This is because it would not comply with saved policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside. In addition, it would not comply with policy 12 of the Core Strategy which supports limited development in the village.

46. Such contraventions are considerations that normally weigh heavily against the proposal. However, the Council does not have a 5 year housing land supply. As a consequence, paragraph 49 of the Framework directs that development plan policies governing housing land supply, such as policy RES5 of the Local Plan and policy 12 of the Core Strategy, should not be considered up to date. Furthermore, on the evidence before me, I find that there is more than a limited degree of conflict between the Framework and the approach of the development plan on the issue of residential development and housing land supply. In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as paragraph 215 of the Framework makes clear. This is an important material consideration in this appeal.

47. The Framework further states that housing proposals should be considered in the context of the presumption in favour of sustainable development. I have found that the development would constitute a sustainable development. Where relevant policies, as in this instance, are out of date paragraph 14 of the Framework is clear. It states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

48. Whilst the proposal would be contrary to policy NE5 of the Local Plan I have found that the character and appearance of the area would not be demonstrably harmed by the proposed development. The principle of housing on the appeal site, which would remain outside the settlement boundary for the village and lie within the countryside, would be contrary to the policy RES5 of the Local Plan. It would also be contrary to the objectives of policy 12 of the Core Strategy which supports limited development in the village. However, given the conflict between the Framework and the approach of the development plan on the issue of residential development and housing land supply, these considerations are of limited weight in favour of dismissing the appeal.
49. The proposed development would be a sustainable development in a reasonably sustainable location. It would also make a contribution towards addressing the undersupply of housing in the Borough and contribute towards the provision of affordable housing. Collectively these factors weigh heavily in favour of allowing the appeal.

50. The Council has raised concerns that allowing the appeal would set a precedent for similar development on edges of other rural villages. However, it is an established planning principle that each case is assessed on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.

51. My overall conclusion in this case, having considered all the matters raised, is that the adverse impacts of the proposal are small and they do not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The appeal should therefore be allowed. In reaching this decision the views of local residents and councillors have been taken into account.

**Conditions**

52. Otherwise than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, the development shall be carried out in accordance with the approved plans in respect of those matters not reserved for subsequent approval. In the interests of public health and minimising the risk of flooding drainage plans are respectively required for foul sewage and surface water. Given that the appeal site is located between the medieval settlement core of the village and a medieval enclosure there is the potential for archaeological remains. An archaeological investigation is therefore necessary. As buildings were once present on part of the site an investigation into land contamination is necessary to ensure that the risks to future residents are minimised. To safeguard key routes for pedestrians the public footpath across the site needs to be rerouted so that it can continue to be used.

53. I have found that the proposed access would be safe and would comply with the County Council’s guidance. However, the site access layout plans do not show a layout that incorporates the footpath. As a consequence, in the interests of proper planning, final details of the layout of the access need to be agreed with the Council and development carried out in accordance with those details.

54. I have required all these matters by condition, revising the Council’s suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance.

*Ian Radcliffe*

*Inspector*
### Schedule

1) Details of 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: No 1002 A, No 1001B, but only in respect of those matters not reserved for later approval.

5) No development shall commence until a detailed scheme including drainage plans for the disposal of surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has first been submitted to and approved in writing by the local planning authority and these works shall be implemented in accordance with the approved scheme.

6) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

7) No development shall take place until a site investigation for any contaminated land on the site 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. 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 the development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then 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 incorporate the approved additional measures.

8) No development shall commence until the details of the route of footpath, R18 is submitted to and agreed in writing by the local planning authority. These details shall include a footpath 1.8m in width. The development shall be carried out in accordance with the approved details and retained as such thereafter.
9) Notwithstanding condition 4, no development shall take place until a plan detailing the dimensions of the site access and associated visibility splays has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
APPEARANCES

FOR THE APPELLANT:

Mr Wiggins BA(Hons) Dip UP MRTPI
Landmark Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Leader
Arden Chambers

Miss Mattley
Area Planning Officer
Hinckley & Bosworth District Council

Mr Crosthwaite
Hinckley & Bosworth District Council

Ms Moore
Leicestershire County Council

Mr Young
Leicestershire County Council

Mr Tyrer
Leicestershire County Council

Mr Braker
Leicestershire County Council

INTERESTED PERSONS:

Mr Lay
Stanton under Bardon ward Councillor
Hinckley & Bosworth District Council

Mrs Briggs
Stanton under Bardon Parish Council

Mr Briggs
local resident

Mr Coxon
local resident

DOCUMENTS SUBMITTED AT THE HEARING

1 Timetable for the No 120 bus service.
2 The Council’s assessment of whether the proposal constitutes sustainable development.
3 E-mail containing the County Council’s assessment of places at the village primary school in 2 and 4 years time.
4 Excerpts from the County Council’s 6C’s Highway guidance.
5 April 2013 Housing Trajectory Table.
6 Past Housing Completions Table.
7 Council’s response to the appellant’s assessment of the deliverability of sites that contribute towards the Council’s housing land supply.
8 Section 106 agreement.
9 North Wilts DC v Secretary of State for the Environment [1992] 3
PLR 113.
10 Planning Advisory Service 'Ten key principles for owning your housing number – finding your objectively assessed needs', Local Government Association, April 2013.
Appeal Decision

Hearing opened on 11 June 2014
Site visits made on 24 July 2014

by Richard Clegg BA(Hons) DMS MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 December 2014

Appeal Ref: APP/M2460/A/14/2213689
Land rear of 44-78 Ashby Road, Hinckley, Leicestershire, LE10 1SL

- 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 Mr J Kent against the decision of Leicestershire County Council.
- The application Ref 2013/0862/04, dated 3 September 2013, was refused by notice dated 22 January 2014.
- The development proposed is described as ‘residential development’.
- The hearing was conducted over two days, 11 June and 24 July 2014.

Decision

1. The appeal is allowed and planning permission is granted for residential development including the importation of material and infill engineering works to a former clay pit on land rear of 44-78 Ashby Road, Hinckley, Leicestershire, LE10 1SL, in accordance with the terms of the application, Ref 2013/0862/04, dated 3 September 2013, subject to the conditions in the attached schedule.

Application for costs

2. At the hearing applications for costs were made by the Appellant against the County Council and by the County Council against the Appellant. These applications are the subject of separate decisions.

Procedural matters

3. On the application form, the location of the site is given as land to the rear of No 42 Ashby Road. However No 42 has been demolished, and the site extends from this point to the north, behind the properties on this side of Ashby Road up to No 78. I have identified it accordingly in the appeal details above.

4. The main parties agreed that the proposal is more clearly described as residential development including the importation of material and infill engineering works to a former clay pit, and I have considered the appeal on this basis. The application was submitted in outline form, with approval sought for access at this stage.

5. The first reason for refusal refers to flood risk amongst other matters. In an email dated 7 May 2014, the County Council advised that it would not be pursuing this objection to the proposal.

6. A planning obligation in the form of a unilateral undertaking was submitted by the Appellant (Document 9). The obligation covers the provision of affordable
housing, the provision of on-site open space, the payment of contributions in respect of of-site open space, education, waste management, libraries, public transport, policing and health, and a commercial vehicle route.

**Main Issues**

7. I consider that the main issues in this appeal are:

   (i) The effect of the proposed development on the living conditions of nearby residents and future occupiers, having regard to noise, dust and vibration.

   (ii) The effect of the proposed development on nature conservation interests.

   (iii) Whether the planning obligation would make appropriate provision for matters sought in connection with the proposed development.

   (iv) The effect of other considerations, including housing land supply, on the overall planning balance.

**Background**

8. The appeal site comprises a former clay extraction pit, adjacent land which is predominantly to the south and west of the pit, and the site of the former house at No 42 Ashby Road. The pit, which at the date of my visit was filled with water, is known locally as The Big Pit. In 2007, outline planning permission was granted for residential development on that part of the appeal site to the south of The Big Pit and the curtilage of No 42 Ashby Road, together with parts of the back gardens of Nos 44-48. These garden areas do not form part of the present appeal site. The statement of common ground refers to that proposal being for up to 37 dwellings; however the appeal decision mentions an illustrative drawing showing 25 dwellings and it records a reference to 30 dwellings in the design statement. In any event, the number of dwellings was not specified in the formal decision. At the time of the inquiry into that appeal, the pit is described as having been pumped almost dry. A planning obligation provided that development would not commence until the level of water in the pit had reached between 117m and 119m AOD, with the water level being maintained thereafter to the satisfaction of the Borough Council. Condition No 17 referred to a scheme for diversion of a footpath and reinstatement of a watercourse being co-ordinated with the refilling of the pit with water.

9. Subsequently, in 2010 and 2013, fresh outline planning permissions were granted. The indicative site plan for the 2010 permission, which is referred to in condition No 18, shows 23 dwellings. Condition No 16 carries forward the provisions of condition No 17 of the 2007 permission. However no such condition is attached to the 2013 permission, which remains extant. The demolition of the house at No 42 Ashby Road was approved in 2012, and this work has been carried out.

**The proposal**

10. The first part of the proposal involves the infilling of The Big Pit. Approximately 75,000m$^3$ of soils, subsoils and clay materials would be brought onto the site.

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1 Plans showing the extent of the site in respect of which planning permission was granted in 2007 are at Document 4a

2 Appeal decision reference APP/K2420/A/06/2008035, paragraph 3 and footnote 2.
for this purpose. Sunnyside Brook enters the site in its south-east corner and flows into the pit: the outflow is on the north side of the site by means of a culvert under the car park of the adjacent Asda supermarket. As part of the development of the site, the watercourse would be reinstated around the eastern side of the site, where it would flow through a flood plain corridor.

11. Other than access, all matters of detail are reserved for subsequent consideration. An indicative site plan shows residential zones, separated by open space and access links. It is intended that up to 60 dwellings could be accommodated on the site. A vehicular access would be constructed on the land formerly occupied by No 42 Ashby Road. This road would be used for access by vehicles bringing fill materials to the pit and it would subsequently serve the residential development.

Reasons

Living conditions

The engineering works

12. The appeal site is situated to the rear of the properties on the south-east side of Ashby Road. These are predominantly residential and there is also housing on the other side of the road. To the south of the site is Ashby Road Cemetery, and a more recent part of the cemetery lies beyond the public footpath which runs to the east of the site. On the north-east side of the site, and close to The Big Pit itself, is a large supermarket, with air handling units in the service yard on this side of the building. A car park for the supermarket lies to the north and north-west, between the site and housing on Ashby Road.

13. The engineering works would involve two main stages. Firstly prior to the importation of any material, cut to fill operations would remodel the inside of The Big Pit: the Appellant estimated that these preliminary works should be completed within 1-2 weeks. Filling activities, including earth moving and compaction would then take place. Having regard to the extent of building activity in the locality, the Appellant estimated that infilling could be completed within six months. For its part, and having regard to the supporting information for the application, the County Council calculated that 31, 50 or 75 deliveries per day would respectively result in the infilling operation taking 48, 30 or 20 weeks. I note that the Appellant’s estimate is close to the County Council’s mid-range figure. However there cannot be certainty at the present time about the availability of fill material, and I prefer the approach of the County Council. Engineering works at The Big Pit could, therefore, last for up to about one year.

14. Work to fill The Big Pit would necessitate the use of a range of various items of plant, equipment and vehicles. The 2013 engineering methodology (Document 3) lists one hydraulic excavator, three dump trucks, one tracked bulldozer and one self-propelled compactor for use during the initial cut and fill operations, with the latter two items also being required for the re-engineering of the flood plain corridor.

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3 The term flood plain corridor is used, in accordance with the Environment Agency’s consultation response of 6 November 2013, to refer to the reinstated watercourse and its associated storage. The intended position of the flood plain corridor is shown on the A3 location plan.

4 The indicative site plan is on drawing ref 09935-PL10A.

5 The report to the County Council’s Development Control & Regulatory Board put forward these timescales at para 14, but it also refers to a series of slightly shorter timescales at para 59. It is the timescales at para 14 which were included in the County Council’s appeal statement.
imported material. In addition, use would be made of a roadsweeper and pump, and material would be brought to the site by heavy goods vehicles (HGVs).

15. The Appellant’s acoustic consultant had calculated noise levels at the rear of four properties on Ashby Road (No 44, No 54, the Ashby Tavern, and No 82) resulting from the engineering works\textsuperscript{6}. During the cut and fill works noise levels of 49.2-54dBA\textsubscript{eq,1hour} are predicted. The first part of the filling is expected to give rise to noise levels of 51-52.4dBA\textsubscript{eq,1hour}: as infilling rises towards the surrounding ground level the shielding effect provided by the pit would reduce and in consequence higher noise levels would be experienced. These are calculated as 53.6-62dBA\textsubscript{eq,1hour}. The predictions take account not only of the noise generated by activity within the pit, but also that arising from the movement of HGVs entering and leaving the site, and the mitigating effect of acoustic fencing on the north-west boundary and along the access road. The Borough Council’s Environmental Health Officer explained at the hearing that he was satisfied with the accuracy of the noise levels given in the revised assessment, and no dispute on these figures was raised by the County Council\textsuperscript{7}.

16. There was broad agreement between the Appellant and the Borough Council that \textit{British Standard 5228-1+A1:2014 – Code of practice for noise and vibration control on construction and open sites} (BS5228) and the \textit{Technical Guidance to the National Planning Policy Framework} (NPPF) were of relevance in assessing the effect of noise from the engineering works and the County Council agreed that it was appropriate to take the Technical Guidance into account. Paragraph E5 of BS5228 explains that where construction activities involve large scale and long term earth moving activities, this is more akin to surface mineral extraction than conventional construction and the Technical Guidance to the NPPF should be taken into account. That document was cancelled on the publication of \textit{Planning Practice Guidance} (PPG), but the content of paragraphs 30 and 31, which were referred to at the hearing, has essentially been carried forward into paragraphs 27-021 and 27-022 of the PPG.

17. I agree that, given the nature of the engineering works involved in filling The Big Pit, it is appropriate to have regard to national guidance on noise emissions in respect of minerals workings. Paragraph 27-021 of the PPG advises that during normal working hours (0700-1900 hours) noise should not exceed 55dB(A)L\textsubscript{Aeq,1h} (free field) at noise sensitive property. The predicted noise levels would comply with this limitation except in the latter part of the filling operation (above, para 15). In accordance with paragraph 27-022, higher noise limits should be considered for shorter periods of time, subject to a maximum limit of 70dB(A)L\textsubscript{Aeq,1h} (free field) for periods of up to eight weeks in a year. The Appellant argued that in this case a noise limit of 67dBA\textsubscript{eq,1h} would be appropriate for a 16 week period, representing a halving of acoustic energy, compared with a higher level over a shorter period as referred to in national guidance. However the higher noise limits referred to in paragraph 27-022 of the PPG are put forward in the context of works (such as restoration and construction of baffle mounds) which would bring long-term environmental

\textsuperscript{6} The predicted noise levels are set out in table 4 of Document 13.

\textsuperscript{7} The Appellant’s acoustic consultant subsequently acknowledged that two figures had been transposed in table 8 of Document 13. A revised version of table 8 is included in Document 22.
benefits. Although the appeal site is unused with extensive vegetation growth around the pit, it is a parcel of open land which is appreciated by many local people in its existing condition, and the development would not represent an environmental benefit of the kind envisaged in the PPG. Moreover many mineral sites are not located within a built-up area, as is the case with the appeal site. I accept that there is an argument for an element of flexibility, to enable noisier activity which is an integral part of the overall operation to take place for a relatively short period of time. Bearing these points in mind, I agree with the County Council that the starting point for a higher limit should not be the maximum level of 70dB(A)\text{Leq,1h} (free field) specified in PPG, but the highest predicted noise level of 62dB(A)\text{Leq,1hour}. The Borough and County Councils suggest that a limit of 65dB(A)\text{Leq,1hour} should be imposed for the noisiest part of the infilling operation. I consider that such a limit would provide an appropriate balance between providing flexibility for the engineering works and avoiding undue disturbance to the living conditions of neighbours.

18. Subject to the safeguard of conditions requiring the erection of acoustic fencing and specifying noise limits, I do not consider that the noise caused by the engineering works involved in filling The Big Pit would unacceptably harm living conditions in the locality.

19. Concern has also been expressed about the effects of vibration and dust. It is intended that the pit would be filled with soil, subsoil and clay materials (above, para 10), and such activity has the potential to release dust into the air. At the hearing, the County Council and the Borough Council both expressed the view that dust could be addressed by mitigation measures such as sweeping and damping. Such measures could form part of an environmental management scheme, which itself could be imposed by means of a condition.

20. The access road would run between Nos 40 and 44 Ashby Road. HGVs travelling to and from the site would pass close to the sides of these properties, but the prospect of vibration would be diminished by constructing this road and the haul roads on the site to an appropriate standard prior to the importation of any fill. Compaction of fill material would be a possible cause of vibration, but vibration monitoring and remedial action could be incorporated into an environmental management plan. Moreover, during much of the infilling compaction would occur within the pit, rather than at the surface. I note that, in the light of the updated noise impact assessment, the County Council now takes the view that the development could proceed without an unacceptable impact on the amenity of neighbours due to noise and vibration. Whilst I appreciate the concerns expressed by local residents and their representatives on this matter, there is no specific evidence which would lead me to a contrary conclusion.

21. The cemetery lies to the south and east of the appeal site. That part to the east is currently used for burials, and there is an enclosed garden of remembrance close to the southern boundary. I consider that measures imposed by condition to safeguard the living conditions of neighbours would also avoid undue disturbance to the environment of the cemetery.

The residential access road

22. The effect of traffic noise from use of the access to serve the proposed residential development has been assessed. Ambient noise levels in the former
rear garden of No 42 Ashby Road during the morning and evening peak periods were measured as 52.5dB(A)_{L_{Aeq,1h}} and 55.7dB(A)_{L_{Aeq,1h}} respectively. When the noise from traffic using the access road is taken into account, and allowing for partial attenuation by fencing, the overall noise levels are calculated by the Appellant’s acoustic consultant as 52.8dB(A)_{L_{Aeq,1h}} and 55.9dB(A)_{L_{Aeq,1h}} in the morning and evening peaks. The County Council and the Borough Council agreed with the Appellant that 3dB is the minimum perceptible increase in noise, and the increases of 0.3dB(A) and 0.2dB(A) are well within that increment. Moreover the extant planning permission for residential development on the southern part of the appeal site provides for access in this position, albeit for a lower number of dwellings (above, paras 8 and 9). I do not consider that traffic noise on the access road serving the proposed residential development would materially affect the living conditions of nearby residents.

The supermarket

23. The rear of the nearby supermarket is close to the north-east boundary of the appeal site. At this part of the building are air handling units which emit a constant noise, and noise is also generated by activities in the adjacent service yard. The effect of noise from these parts of the supermarket was assessed by the Appellant having regard to British Standards BS8233 and BS4142, and at the hearing the Borough Council advised that it was satisfied that an appropriate exercise had taken place. The noise levels from the air handling units are lower during the night, and the store manager had advised the Borough Council that additional plant is in use between 0700 and 2000 hours. The lowest recorded background noise level at the appeal site was 25.8dBL_{A90} in the middle of the night. As this is below the parameters of BS4142, the acoustic report adopted the lowest rating level of BS4142 of 35dB as a rating level noise limit outside dwellings.

24. The Appellant’s noise survey included two locations at the northern end of the site (1A and 1B), about 2m from the air handling units. The highest night-time noise level recorded and attributed to the air handling unit was of 50.4dBL_{Aeq} at location 1B. It is intended that the flood plain corridor would extend to this point, and housing would, therefore, be set back from the north-eastern boundary. Distance attenuation arising from a separation distance of 25m would reduce the night-time noise level to about 29dBL_{Aeq} outside the nearest dwellings, well below the target of 35dB. With a window open, the building envelope would reduce noise levels by about 15dB, and the recommended lower limit in BS8233 of 30dB in bedrooms at night could therefore, be achieved. At 0700, with the air handling units operating in day-time mode, the Borough Council recorded a noise level of 64.5dBL_{A90} at 2m from the equipment, which it described as a worst case scenario. Distance attenuation would bring this down to about 42.6dB over 25m. Although the survey results show that background noise levels are generally somewhat higher during the daytime, mitigation would be required to achieve the stated target of 35dB. A solid acoustic fence on the northern boundary, which could reduce noise by a further 10dB, was suggested by the Appellant’s acoustic consultant, and this measure could be secured by means of a condition.

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8 The predicted noise levels of traffic noise on the access road and the comparisons with the ambient levels are given in table 7 of Document 13 and revised table 8 in Document 22.
9 A noise level of 52.3 dBL_{Aeq} was recorded at 0411, but at this time the recording was affected by loud birdsong.
25. Insofar as the service yard is concerned, survey results at location 1 show average noise levels of about 50dBA_{eq} in the daytime and about 48dBA_{eq} at night. These are similar to the night results from locations 1A and 1B, close to the air handling units, and somewhat lower than the daytime results from those positions. The highest peak of noise at night was 65.3dBA_{max}. As with the air handling units, these noise levels could be reduced by separation and acoustic fencing.

26. The County Council and Borough Council agreed that, subject to the erection of acoustic fencing and a separation distance of about 25m between the proposed housing and the noise sources at the rear of the supermarket, there would be no unacceptable effect on the living conditions of future residents. I share this view and mitigation measures to achieve the required noise level could be the subject of a condition.

**Conclusions on living conditions**

27. With the safeguard of conditions concerning acoustic mitigation, noise limits and an environmental management scheme, I conclude that the proposed development would not unacceptably worsen the living conditions of nearby residents and future occupiers. In this respect the development would not conflict with Policy BE1 of the Hinckley and Bosworth Local Plan, nor with Policies WDC8 and WCS10 of the Leicestershire and Leicester Waste Development Framework – Core Strategy and Development Control Policies.

**Nature conservation**

28. The water-filled pit is the main feature of the appeal site. To the south is an area of scrub and rough grass with tree cover along the boundaries. This is consistent with the condition of the site as described in the extended phase 1 survey report prepared for one of the owners in 2009. The report does not identify any habitats of value, and apart from several common pipistrelle bats feeding around the site, there is no record of the presence of any European protected species. In her consultation response to the planning application, the County Council’s Principal Ecologist had suggested that the 2009 report was out-of-date. However in her written representation on the appeal, she refers to it as the only recent survey information available. Although local residents argue that the site has value as a wildlife habitat, there is no specific evidence before me that the findings of the 2009 report are no longer valid.

29. The Principal Ecologist considers that the site has ecological value as a standing water habitat, but she acknowledges that there is no evidence that it meets the criteria for sites of county-wide value. She does venture the opinion that the site would have qualified as a local wildlife site on the basis of evidence in 2009 that the site was used and valued by the community. However the evidence from the 2009 ecological report is limited in this regard, referring to unofficial access points with evidence of frequent use by the public, and the proximity of the public footpath to the east, and unofficial fishing. The appeal site is private land with no public right of way across it. At the hearing, a local councillor and a number of local residents referred to use of the site being permitted until recently. I heard that a number of people had had keys for access, and that fishing and diving had taken place in The Big Pit. There is no evidence that

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10 The Principal Ecologist did not appear at the hearing, but submitted a written note as an appendix to Mr Hunt’s statement.
these arrangements continue, and, on the information before me, the appeal site is not available for the local community to use.

30. It is evident that the local community values the presence of the water body and the natural appearance of the adjacent land. This can be appreciated from the adjacent footpath in gaps and filtered views through trees and the hedgerow along the boundary, and photographs submitted at the hearing demonstrate that there are also views across the land from properties on Ashby Road. However there is no specific evidence before me to demonstrate that the site has any particular value which would clearly distinguish it from other overgrown parcels of unused land of a similar size.

31. The proposed development would include the reinstatement of the watercourse, which would flow across the site through a flood plain corridor. This part of the scheme would provide a water feature close to the public footpath. I note that the Principal Ecologist advises that to provide any habitat of value the corridor would need to include some permanently wet ground: this would be achieved by incorporating the watercourse within the flood plain corridor.

32. I conclude that the proposed development would not adversely affect nature conservation interests, and that it would not conflict with paragraph 118 of the National Planning Policy Framework (NPPF).

_The planning obligation_

_Affordable housing_

33. The findings of the Leicester and Leicestershire Housing Market Assessment inform Policy 15 of the Hinckley and Bosworth Core Strategy which is concerned with the provision of affordable housing. Within the urban areas, this policy seeks a minimum of 20% affordable housing on sites of 15 dwellings or more, or of 0.5ha or larger in size. A tenure split of 75% social rented and 25% intermediate housing should be provided on all sites. The planning obligation makes provision both for the overall amount of affordable housing and the apportionment sought in the Development Plan. This provision is necessary, and it also complies with the other statutory tests.

_Open space_

34. Arrangements for the provision of both on-site and off-site open space are covered in the obligation. Policies REC2 and REC3 of the Hinckley and Bosworth Local Plan require outdoor open space and children’s play space respectively in connection with residential development. Given the size of the proposal, it would be appropriate for local open space to be provided within the site, and the requirements for provision and maintenance of this facility, together with a maintenance contribution if the open space is transferred to the Borough Council, would be appropriate. The development would also give rise to a demand for higher order open space, whereas there is a deficit of 1ha in this part of Hinckley. Contributions of £322.50 per dwelling towards the provision of open space at Richmond Park and £264 per dwelling towards its maintenance are, therefore, necessary.
Education
35. The Education Authority has calculated that the development would give rise to a shortfall of spaces at Holliers Walk Primary School and increase the shortfall at John Cleveland College, an upper school. Contributions of £4,839.60 and £110,130.96 were requested to improve facilities at these primary and upper schools respectively, and the inclusion of these sums in the planning obligation would be properly related in scale and kind to the development.

Civic amenity facilities
36. A contribution of £2,823 is included towards civic amenity facilities. The nearest civic amenity site is at Barwell. In the consultation response on the planning application, the Director of Environment and Transport explains that the development would place additional demands upon this facility, and at the hearing the County Council explained that the Barwell facility is operating above its capacity at peak times. Accordingly, a contribution to mitigate the effect of increased usage would be necessary.

Libraries
37. A library services contribution of £3,260 is included in the planning obligation, as sought by the County Council. The County Council calculates that the development would generate at least an additional 86 users of Hinckley Library, requiring 210 items of lending stock together with reference, audiovisual and homework support material. However, there is no specific evidence before me to demonstrate that the library is operating at capacity and is unable to absorb the additional demand from the proposed new housing. I heard that a library contribution had been accepted as compliant with the Community Infrastructure Levy (CIL) Regulations in a recent appeal decision. Full details of the information relating to the library service in that case are not before me, however, and each case must be judged on its own merits. On the evidence submitted in this case, I do not consider that a library contribution is needed to make the development acceptable in planning terms.

Public transport
38. To encourage sustainable modes of transport, a contribution is sought, which it is envisaged would be used for travel packs bus passes, bus stop improvements, and a real-time information system. A contribution of £7,726 is included in the obligation, together with separate amounts for travel packs and bus passes. Encouraging the use of sustainable modes of travel is an objective of the NPPF, and the measures outlined are similar to those often included in travel plans. I am satisfied that the public transport contribution would be CIL compliant.

Policing
39. A police contribution of £13,756 is included in the planning obligation. Detailed evidence in support of this level of contribution has been submitted by the Police and Crime Commissioner. It is clear that the increase in the local population from up to 60 dwellings on the appeal site would place additional demands on the police. Contributions are not sought across the board. The representations identify those areas where there is spare capacity and they have not been taken into account in calculating the overall level of contribution. A need has been identified in the following areas: start-up equipment, vehicles,
radio call capacity, database capacity, call-handling, automatic number plate recognition cameras, mobile CCTV, premises, and hub equipment. Details are provided of the purpose to which the funding would be put, and, in the case of each area where a need has been identified, the level of contribution has been calculated in relation to the size of the appeal proposal, even if this means that some expenditure is required from the police budget. The policing contribution is necessary to make the development acceptable in planning terms, and it also complies with the other statutory tests.

**Health**

40. There is no spare capacity at any of the five general practice surgeries in Hinckley: indeed at some existing demand is exceeding capacity. The health contribution of £30,546 is derived from the cost of providing additional accommodation in relation to the size of the proposed housing scheme. Find that the obligation is fairly and reasonably related in scale and kind to the appeal proposal, and that the statutory tests are met.

**Commercial vehicle routes**

41. It is intended that commercial vehicles would use roads to the north of the appeal site: plan A in the obligation identifies Ashby Road (north of the site), the A47 and the A447. The agreement to be drawn up specifies that the owners would take all reasonable steps to ensure that the drivers of commercial vehicles travelled along these roads to and from the site. Even with the possible inclusion of sanctions in third party agreements, this form of words is insufficiently precise to ensure that the intentions of the routing plan would be delivered, and, in consequence, there could be difficulties in enforcing this part of the obligation. However the evidence before me does not indicate that it is necessary to restrict commercial vehicle movements to and from the appeal site to these routes.

**Monitoring**

42. The obligation provides for the payment of monitoring costs to the Borough and County Councils. The County Council has published *The Statement of Requirements for Developer Contributions in Leicestershire*. Whilst paragraph 6.15 states that local planning authorities might reasonably recover the costs of monitoring payment and implementation, I note that the preceding paragraph indicates that this could be appropriate where it can be demonstrated that such payments make a significant contribution to the speed and efficiency with which negotiations are completed. This would appear to apply more to the drafting of obligations rather than to subsequent monitoring, but in any event there is nothing before me to demonstrate that the payment of monitoring would assist efficiency in this case. Moreover, the arrangements for monitoring set out in section 8 do not specifically refer to cost recovery.

43. The Borough Council’s Play and Open Space Guide Supplementary Planning Document does seek a monitoring fee. This is intended to cover administrative matters, maintenance and monitoring of databases, attendance at meetings, income collection, and additional requirements such as on-site advice and guidance. For the most part these appear to be matters of general recurrent expenditure, and I do not consider that such monitoring activity would impose an undue burden on the Council over and above its general duty to ensure
compliance with planning controls. Consequently, I do not consider that this element of the obligation is necessary to make the proposal acceptable.

Conclusions on the planning obligation

44. For the reasons given above, the library and monitoring contributions and the commercial vehicle route agreement would not be necessary to make the development acceptable in planning terms, and therefore I am unable to take them into account in determining the appeal. The other provisions would meet the statutory tests. I conclude that the planning obligation would make appropriate provision for affordable housing and infrastructure, and it would, therefore, comply with Policy 15 of the Core Strategy and Policy IMP1 of the Local Plan.

Other considerations

Housing land supply

45. Both the Appellant and the Borough Council take the view that there is not a five years supply of housing land in Hinckley and Bosworth. There has been a shortfall in provision of 630 dwellings since 2006. Addressing this shortfall within the five year period, and applying a 20% buffer relating to persistent under-delivery, the Borough Council has calculated a requirement of land for 3,330 dwellings for the period 2014-2019\textsuperscript{11}. To set against this requirement a total supply of 2,830 dwellings is put forward. The supply includes contributions of 440 and 285 dwellings respectively from the Barwell and Earl Shilton Sustainable Urban Extensions (SUEs). I heard that there are outstanding issues to resolve concerning the planning obligation for the Barwell SUE, and that at the date of the hearing a planning application had not yet been received for the Earl Shilton SUE. Inclusion of a limited contribution from the SUEs acknowledges their current status, and is realistic given the clear intention to progress with both these major developments during the five year period. On this basis, and including all the large and small site commitments, the available supply of housing land in the Borough would be sufficient for 4.25 years. Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. The contribution of the appeal site towards the provision of a five years supply of housing land carries significant weight in support of the appeal proposal.

Highway safety and traffic movement

46. Concerns have been expressed by local residents and their representatives about vehicle movements, particularly of heavy goods vehicles. The calculations undertake in respect of the filling operation indicate that there could be up to 75 deliveries of material to the site per day. If this level were maintained, it would shorten the filling period to about 20 weeks, whereas if filling continued for about a year, it is likely that there would be about 31 deliveries per day. The main parties suggested that if planning permission were granted hours of work should be restricted to 0800-1730 hours from Monday to Friday and 0800-1300 hours on Saturdays. Taking the higher level of 75 deliveries would result in about eight deliveries being made to the site per hour. The revised addendum to the transport assessment, prepared on behalf of the Appellant, has considered the effect of traffic generated by the

\textsuperscript{11} The Borough Council’s five year housing land calculation is set out in its position statement at part 7 of Document 11.
appeal proposal on the highway network, and it concludes that neither the additional trips from the proposed housing nor those from the infilling operation would have a detrimental effect on the free flow of traffic on Ashby Road. This assessment has not been disputed by the Highway Authority, which has indicated that the design of the proposed access would be sufficient for a development of up to 150 dwellings, and there is no specific evidence before me to suggest that the proposal would reduce highway safety. Subject to conditions concerning the provision of a link to the public footpath, the implementation of a construction traffic management plan, and the provision of parking space, the Highway Authority has raised no objection to the development. There is no specific evidence before me to justify a different view.

**Drainage and flooding**

47. There is considerable concern amongst the local community about the drainage implications of the infilling of The Big Pit. Reference was made at the hearing to surface water from the surrounding area making its way into the pit, and I also heard that residents in certain locations, such as Sunnyside, are anxious about the possibility of increased flood risk. At present Sunnyside Brook flows into The Big Pit and there is an outflow into a culvert below the supermarket car park. That flow of water through the site would not change. Whilst The Big Pit would be removed, the water course would continue through a flood plain corridor to the point of outflow from the site. The corridor of the reinstated watercourse would have the capacity to collect and hold surface water, with discharge downstream restricted. The Environment Agency seeks conditions to secure this approach, and also to specify floor levels, to establish a construction method statement, and to require approval of a surface water drainage scheme. With these safeguards I do not consider that the proposed development would increase the prospect of flood risk in the locality.

**Conditions**

48. I have already referred to conditions concerning acoustic mitigation, noise limits, an environmental management scheme, drainage, a link to the public footpath, the implementation of a construction traffic management plan, and the provision of parking space, all of which would be necessary for the development to proceed. To safeguard the living conditions of neighbours, hours of work and the number of HGV deliveries should be restricted, and it would be important for the access road to be provided in the interest of highway safety. Conditions should specify the scope of a landscaping scheme and provide for tree protection to ensure that the development would be in keeping with its surroundings. Ground clearance works should avoid the bird nesting season in the interest of nature conservation. Details of foul drainage works should be submitted for approval to ensure that the site would be satisfactorily drained, and given the history of the land as a brick works a contamination management scheme would be required. For the avoidance of doubt and in the interests of proper planning, details of the infill engineering works, levels and an alternative reclamation scheme should be submitted for approval. For the same reason, it is important that the development is carried out in accordance with the specified plans. Conditions were suggested concerning landscape maintenance and the code for sustainable homes, but these are matters which would be more appropriately addressed at reserved matters stage.
**Overall conclusions**

49. Subject to mitigation measures, which could be secured by conditions, the development would not unacceptably worsen the living conditions of neighbours or future residents, and it would not adversely affect nature conservation interests. There would be appropriate provision for affordable housing and infrastructure by means of the planning obligation, and the contribution of the proposed housing to the supply in Hinckley and Bosworth is a matter of significant weight.

50. For the reasons given above, and having regard to all matters raised including the objection from Mr D Tredinnick MP, I conclude that the appeal should be allowed.

*Richard Clegg*

INSPECTOR
Schedule of conditions

General

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. The layout of the housing development shall include the way in which building, routes and spaces are arranged to mitigate the noise impact from the adjacent supermarket on occupiers of the dwellings hereby permitted. The landscaping scheme shall include details of finished levels and contours, means of enclosure, hardsurfacing, planting plans, schedules of plants, and a programme for implementation.

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: location plan on drawing ref 09935-PL10A, and the access details on drawing ref IP09_313_07_001A.

Living conditions

5) No development shall take place until a scheme for the protection of neighbouring dwellings from noise during the infill engineering works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all acoustic fences, and it shall be implemented in full before the engineering works, including the cut-to-fill phase, commence.

6) The level of noise arising from the cut-to-fill and infilling operations shall not exceed the following limits at 3.5m from the most exposed façade of any adjacent dwelling: 55dB(A)\text{Leq,1h}, except for temporary operations limited to a total of 88 days in any 12 months period for which the limit shall be 65dB\text{LAeq,1hour}.

7) No development shall take place until a scheme for the protection of the proposed dwellings from noise from the air handling units and the service yard at the supermarket on the land to the north has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full before any of the dwellings is occupied.

8) No development shall take place until an environmental management scheme, including an assessment of the impact of dust, vibration and lighting from the infill engineering works and the impact of dust, vibration, lighting and noise from the construction of the housing, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

i) The organisation and layout of the site and the control of operations to minimise the generation of dust, noise, vibration and light emissions.
ii) The control of dust emissions to prevent fugitive emissions leaving the site.

iii) The control of construction noise.

iv) The control of site lighting to prevent light spillage on adjacent dwellings.

9) The infill engineering works, including the cut-to-fill phase, and the construction of the dwellings hereby permitted shall not be take place outside the following times: 0800 to 1730 hours from Monday to Friday and 0800 to 1300 hours on Saturdays. No infill engineering works, including the cut-to-fill phase, or construction work shall take place at any time on Sundays and public holidays.

**Highways**

10) No other development shall take place until the vehicular access has been constructed in accordance with the access details on drawing ref IP09_313_07_001A.

11) No development shall take place until a construction traffic management plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the period of the infill engineering works and construction. The plan shall include provision for:

   i) the parking of delivery vehicles and vehicles of site operatives and visitors
   
   ii) turning space
   
   iii) wheel washing facilities
   
   iv) the cleaning of Ashby Road adjacent to the site access.

12) The total number of deliveries of material for the infill engineering works shall not exceed a weekly limit of 275 over a 5.5 day working week, subject to a daily maximum of 75 from Monday to Friday and 37 on Saturdays. Records of all such deliveries shall be maintained on a daily basis and shall be made available to the local planning authority within five working days of a request being made.

13) No dwelling shall be occupied until space has been laid out for the parking of vehicles for that dwelling on the basis of two spaces for a dwelling with up to three bedrooms and three spaces for a dwelling with four or more bedrooms. Any garage which is provided as a parking space must have a minimum internal floorspace of 6m by 3m. Parking space shall be retained for the passage and parking of vehicles.

14) No development shall take place until a scheme for a footpath link between Ashby Road and public footpath No U76 has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the footpath link has been constructed in accordance with the approved scheme.

**Trees and wildlife**

15) No development or site clearance shall take place until a tree protection plan has been submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be retained for the duration of the infill engineering works and the construction period.
16) No tree felling or vegetation clearance works shall take place during the bird nesting season (1 March – 31 August inclusive) unless a survey confirming the absence of nesting birds has been approved in writing beforehand by the local planning authority.

The watercourse and drainage

17) No development shall take place until a detailed scheme for the reinstatement of Sunnyside Brook and its flood plain corridor within the site has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with the indicative site plan on drawing ref 09935-PL10A and paragraphs 4.1.6 and 4.1.7 of the flood risk assessment ref IP09_313_07C dated January 2010, provide a minimum of 4,000m$^3$ compensatory flood storage, and include a programme for its implementation during the infilling engineering works and a management plan for its future maintenance. The watercourse shall be reinstated in accordance with the approved programme, and maintained thereafter in accordance with the approved management plan.

18) No development shall take place until the culverted watercourse through the easement in the land to the north of the site has been upgraded in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with paragraph 4.1.5 of the flood risk assessment ref IP09_313_07C dated January 2010,

19) No development shall take place until a construction method statement to cover channel and bank works has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
   i) Details of temporary works, including the diversion of Sunnyside Brook, and fencing within the flood plain.
   ii) Methods to be used for all permanent and temporary channel and bankside water margin works.
   iii) Details of the location and storage of plant, materials and fuel, access routes and access to the banks.
   iv) Measures for the enhancement of the biodiversity potential of the reinstated watercourse.
   v) Details of site supervision.

20) The finished floor levels of all dwellings shall be set no lower than 600mm above the design 100 year plus climate change flood level for the reinstated watercourse (450mm freeboard within the channel and 150mm above the proposed external ground levels).

21) No residential development shall take place until a surface water drainage scheme, 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 scheme shall include:
   i) Arrangements to limit the discharge rate and to store the surface water run-off 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.

ii) Design details, including plans, sections and calculations.

iii) A management plan for the future maintenance of the surface water drainage system.

None of the dwellings shall be occupied until the surface water drainage has been provided in accordance with the approved scheme. The drainage system shall be maintained thereafter in accordance with the approved management plan.

22) No residential development shall take place until a scheme for the disposal of foul sewage has been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for implementation. The foul drainage works shall be implemented in accordance with the approved scheme and programme.

**Contamination**

23) No development shall take place until a contamination management scheme has been submitted to and approved in writing by the local planning authority. The scheme shall address the recommendations in sections 7, 8 and 9 of the Tier 1 Assessment Report ref J-D0643_R1_SLR dated 31 March 2010. Any remediation measures included in the contamination management scheme shall be implemented before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then 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 incorporate the approved additional measures.

**Infill engineering works**

24) No development shall take place until a scheme and programme for the infill engineering works has been submitted to and approved in writing by the local planning authority. Only inert material shall be used for the purpose of the infill engineering works. The development shall be carried out in accordance with the approved scheme and programme.

25) Upon completion of the infill engineering works, a final levels plan shall be submitted to the local planning authority. No residential development shall take place until the final levels plan has been approved in writing by the local planning authority.

26) Should the infill engineering works not be completed within two years of the commencement of development, or if no fill material has been brought onto the site for a period of 12 months, a scheme shall be submitted to the local planning authority for the restoration and after-care of the site. Following the approval in writing of the scheme, it shall be implemented in full and after-care carried out for the duration of the prescribed period.
APPEARANCES

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Mr D Quinn BSC MIOA
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Dr S Bodnar

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Mr A Tyrer
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Dr S Bodnar

FOR HINCKLEY AND BOSWORTH BC:

Mrs C Horton
Principal Planning Officer, Hinckley & Bosworth BC.
Mr G Rawdon
Environmental Health Officer, Hinckley & Bosworth BC.

FOR LEICESTERSHIRE POLICE AND CRIME COMMISSIONER:

Miss T Osmund-Smith of Counsel
Principal Planning Officer, Hinckley & Bosworth BC.
Mr M Lambert
Growth and Design Officer, Leicestershire Police.

INTERESTED PERSONS:

Councillor J Bannister
Member of the Borough Council for De Montfort Ward.
Councillor D C Bill
Member of the County Council for Hinckley Division, and of the Borough Council for De Montfort Ward.
Councillor L Hodgkins
Member of the Borough Council for De Montfort Ward.
Councillor M T Mullaney
Member of the County Council for Hinckley Division, and of the Borough Council for Trinity Ward.
Councillor B M Witherford
Member of the Borough Council for Hinckley Castle Ward.
Mr V Bailey
Local resident.
Mr J Barron
Local resident.
Mr F B Baxter Local resident.
Mr K Draper Funeral director.
Mr A Goadby Local resident.
Mr A Hurt Local resident.
Mr J Ingham Local resident.
Mrs J Kirby Local resident.
Mr D Lord Local resident.
Mrs S Mason Local resident.
Mr S Pemberton Local resident.
Mrs A Pendlebury Local resident.
Mrs A M E Riordan Local resident.
Mrs J Williams Local resident.
Mr Woodward Local resident.
Mrs R Wright Local resident.

**DOCUMENTS**

1. Appendices 12 & 13 to Mr Lambert’s statement.
4a. Plans relating to planning permission ref 05/00684/OUT for residential development on the southern part of the appeal site. Submitted by Mrs Horton.
4b-c. Planning permissions refs 09/00778/EXT and 12/00950/EXT for extension of time for planning permission ref 05/00684/OUT. Submitted by Mrs Horton.
5. Plan of extension to Asda car park. Submitted by Mr Hunt.
6. Email dated 22 November 2013 from Mr Cheshire to Mr Marriott concerning the County Council’s request for further information. Submitted by Mr Hunt.
7. Email dated 16 January 2014 from the County Council to Mr Cheshire concerning the provision for contributions in a planning obligation. Submitted by Mr Hunt.
8. Photographs of The Big Pit. Submitted by Councillor Bill.
9a. Planning obligation relating to the appeal proposal. Submitted by Mr Cheshire.
9b. Copies of registers of title relating to the appeal site. Submitted by Mr Cheshire.
11. Bundle of additional information from the Borough Council.
12. Appendices to the note from the County Ecologist (Appendix C to Mr Hunt’s statement).
14. Schedule of suggested conditions.
15. List of appeal documents agreed by the Appellant and the County Council.
16. Representation from R Papiewski.\(^{12}\)
17. Traffic and access design report accompanying planning application. Submitted by Mr Cheshire.
19. Email dated 18 December 2013 from Napthens LLP to the County Council.

\(^{12}\) This written representation refers to an attached report, but this was not submitted.
concerning the planning obligation. Submitted by Mr Cheshire.
20 Covering letter accompanying the planning application. Submitted by Mr Hunt.
21 Emails dated October 2013 concerning pit volumes. Submitted by Mr Hunt.
22 Letter dated 20 October 2014 from Mr Quinn to Mr Cheshire concerning a revised version of table 8 of Document 13.
Appeal Decision

Inquiry held on 20-23 January 2015
Site visit made on 23 January 2015

by John Chase  MCD DipArch RIBA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 March 2015

Appeal Ref: APP/K2420/A/12/2181080
Land East of Groby Village Cemetery, Ratby Road, Groby, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bloor Homes East Midlands Ltd against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 12/00250/FUL, dated 19 March 2012, was refused by notice dated 27 July 2012.
- The development proposed is the erection of 91 dwellings with garages, parking spaces, open space, landscaping and associated infrastructure.
- This decision supersedes that issued on 22 January 2013. That decision on the appeal was quashed by order of the High Court.

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the Inquiry, the appellants submitted a Unilateral Undertaking to make provision for a range of obligations, including contributions towards infrastructure and the supply of affordable housing. In the latter case, there is a clear need for such accommodation, and the requirement arises out of Policy 15 of the Core Strategy¹. In other respects, the obligations do not bear on the main issues, which form the basis on which the appeal is dismissed, and there is no need to determine whether they satisfy the tests in Regulation 122 of the Community Infrastructure Regulations, 2010.

3. This decision is made afresh, or ‘de novo’, and replaces an earlier appeal which was quashed by the courts. There was some debate at the inquiry whether the previous version was a material consideration and, if so, the weight to be attached to it. Whatever conclusion may be reached on this point, and as will become apparent from the reasoning below, there is sufficient change in circumstances arising in the two years since the earlier decision was written for the conclusions of the previous inspector to have little bearing on those now reached.

¹ Hinckley and Bosworth Local Development Framework, Core Strategy, adopted December 2009

www.planningportal.gov.uk/planninginspectorate
Main Issues

4. The main issues are: 1) whether the Council are able to demonstrate a five year housing supply, 2) the effect of the development on the Green Wedge, and 3) whether the proposal is premature so as to undermine the preparation of the Site Allocations Plan.

Reasons

5. The appeal site is an open field of approximately 4.4ha, forming part of a larger triangular tract of land, which includes a cemetery, and which is bordered on two sides by roads, and on the third by the line of a former tram track, which separates it from residential development in the village of Groby. There is a public footpath on its western boundary, and permissive footpaths on the tram track and on a narrow strip of open land to the south. The wider area contains playing fields attached to the Brookvale High School, and open countryside. To the south west is the M1 motorway, in a cutting, and then the village of Ratby. The open land between Groby and Ratby, including the appeal site, is designated by Policy 9 of the Core Strategy as part of a Green Wedge. It is the appellants’ intention to construct 91 dwellings on the land, of which 40% would be affordable housing. The properties would be in a range of sizes, set around an estate road served by a new access from Ratby Road.

Housing Supply

6. Paragraph 47 of the National Planning Policy Framework (NPPF) creates the intention to boost significantly the supply of housing, by, amongst other measures, requiring planning authorities to identify their full, objectively assessed need (FOAN) for market and affordable housing, and to identify a five year supply of deliverable sites to meet this requirement. During the Inquiry, the main parties agreed a schedule setting out their respective positions in achieving this five year supply. In summary, the Council claim that they are able to demonstrate 5.49 years, whereas the appellants consider that it is 3.68 years.

7. In calculating these estimates both main parties have used a FOAN of 450 dwellings per annum (dpa). This figure is derived from the Core Strategy, adopted 2009, which in turn is based on the, now withdrawn, Regional Strategy. However, it is the Council’s contention that it is also supported by more recent data. The appellants do not accept this to be so, but are willing to adopt the figure for the purposes of this appeal alone. There is, therefore, no reason to prefer an alternative FOAN in the present case.

8. The main outstanding areas of difference are i) whether the existing shortfall in meeting housing need should be made up throughout the term of the Core Strategy (the ‘Liverpool’ method), or during the next five years (the ‘Sedgefield’ method); ii) whether the shortfall amounts to persistent under delivery, so as to attract the 20% buffer described in NPPF para 47; and iii) whether the Council have over-estimated the level of supply.

Liverpool v Sedgefield Methods

9. Whilst it is the appellants’ contention that the Sedgefield method has been endorsed in the majority of appeals, there have been instances of a preference for the Liverpool method in this Council area. This approach gains support
from the Core Strategy Inspector’s report\(^2\), which notes that the supply trajectory indicated an undersupply in the early years of the plan period, but that there would be a surplus later, when the planned Sustainable Urban Extensions (SUEs) would come on stream. It was anticipated that the shortfall would be addressed after 2017/18.

10. However, the Core Strategy Inspector based his conclusion on a trajectory which showed a much more rapid delivery of housing in the early years of the plan than has actually occurred, and on the expectation of an earlier adoption of the Site Allocations Plan\(^3\). Preparation of this plan has been delayed, as has delivery from the SUEs, with an expectation that Barwell and Earl Shilton will produce only 220 units within the forthcoming five years\(^4\).

11. Having regard to the uncertainty inherent in supply projections, and the cyclical nature of economic conditions, there is some strength to the appellants’ argument that delaying the remedy of the shortfall until later in the plan period would increase the likelihood that it would never be fully addressed. It is also the case that the current under-supply represents an unmet need which exists now, rather than at a later date, and that the Planning Practice Guidance (PPG) indicates that planning authorities should aim to deal with any undersupply in the first five years of the plan period, where possible.

12. The Council draw attention to the recent Secretary of State appeal decision at Sketchley House, Burbage\(^5\), within this Borough, which, amongst other matters, notes that the use of the Liverpool method would achieve the FOAN over the course of the plan period, and that the PPG advice is mainly aimed at the preparation of new plans. However, it falls short of clearly preferring the Liverpool approach, noting that a five year supply in that case could not be identified whichever method was used.

13. Overall, it is the conclusion in this appeal that the objective of the National Planning Policy Framework (NPPF) to boost significantly the supply of housing would be best served by making up the existing undersupply during the shorter term, in accordance with the Sedgefield methodology.

**Whether there has been persistent under-delivery**

14. Again, appeal decisions in the Borough have varied in their approach to this matter. Recent decisions include that at Sketchley House, referred to above, which did not discover persistent under-delivery, noting that, whilst the housing target had been met only once since the adoption of the Core Strategy, there was no requirement that the delivery of dwellings should always match the annual average provision. By comparison, decisions at Stanton Under Bardon Primary School\(^6\) and Ashby Road, Hinckley\(^7\) came to the opposite conclusion.

15. The evidence presented in this case indicates that, since the plan period commenced in 2006/7, there has been a deficit in 6 of the 8 years, amounting to a cumulative shortfall of 630 dwellings, or about 18% of the requirement. However, over a longer period, between 2001 and 2014, there has been an

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\(^2\) Final Report on the Examination into the Hinckley and Bosworth Core Strategy, 27 November 2009  
\(^3\) Site Allocations and Development Management Policies Development Plan Document  
\(^4\) Joint summary of housing supply, Appeal Document A6  
\(^5\) APP/K2420/A/13/2208318, issued 18 November 2014  
\(^6\) APP/K2420/A/13/2200224, issued 31 March 2014  
\(^7\) APP/M2460/A/14/2213689, issued 4 December 2014
overall surplus of 355 units. There is some merit in taking a longer view than the period which is mainly encompassed by the recent recession in the housing market. The Planning Practice Guidance notes that the assessment of the local delivery record is likely to be more robust if a longer term is taken, which reflects the peaks and troughs of the housing market cycle. There are grounds to consider that persistent under-delivery has not been demonstrated, and a buffer of 5% would be sufficient to ensure choice and competition in the market and to provide a realistic prospect of achieving the planned supply.

Supply of Housing Land

16. The Council claim a five year stock of deliverable sites for 2787 dwellings, the appellants 2319, a difference of 468 units. The areas of disagreement include the level of discount necessary to reflect the likelihood that some of the identified supply will not be delivered. The Council’s figure of 4% for larger sites is based on records of the rate of lapses of planning permission, but the appellants argue that sites may also be delayed during the currency of a planning permission. Whilst there is no evidential base for their preferred figure of 10%, there are examples of a discount at this level being accepted in other appeals, and it is not wholly out of keeping with the level of uncertainty which is a characteristic of housing assessments.

17. There is also a case to support the removal of potential sites, and those where construction has started, if there has been no progress over an extended period. However, in an improving market, and with the passage of time, it seems likely that some of these sites will come forward and it would not be reasonable to wholly eliminate their number. For the purposes of this appeal, a middle position is taken between the parties’ figures by discounting half of those in this category.

18. Finally, a strategic site has been identified to the west of Hinckley, in the control of the present appellants, which could deliver some dwellings within five years. A number of documents were provided to the Inquiry indicating both the developer’s expectation that the site would come forward, and a range of potential building rates. However, although the proposal has attracted relatively few objections at this stage, there is a likelihood that their number and substance would increase once the proposals become more advanced, and, in the absence of a planning permission or adopted site allocations plan, there is no certainty about either the timing or nature of the development. In terms of the definition at footnote 11 of the NPPF, the site cannot be considered deliverable for the time being.

Whether the Council can demonstrate a five year housing supply

19. It is the outcome of this analysis that the Council estimate of the supply of deliverable sites should be reduced to approximately 2400 dwellings. If the FOAN is adjusted to take up the outstanding shortfall, in accordance with the Sedgefield method, and a 5% buffer is applied, the total requirement amounts to 553 dpa\(^8\). Therefore, the supply would equate to about 4.34 years, indicating that the Council are not able to demonstrate a five year housing supply.

\(^8\) Appeal Document A6
The Green Wedge

20. The site falls within the Rothley Brook Meadow Green Wedge, which is described in the Core Strategy as intended to protect the green infrastructure of the Borough. Policy 9 sets out the acceptable uses, which do not include residential development. It goes on to require that any development in the Green Wedge should meet a number of criteria, including: retaining its function; retaining and creating green networks between the countryside and urban open spaces; retaining and enhancing public access, especially for recreation; and retaining the visual appearance. The Core Strategy also makes reference to a review of the Green Wedge, with a document being issued in December 2011 following a draft version in September of that year.

The Status of Policy 9

21. Before proceeding further it is necessary to establish whether the application of Policy 9 is outweighed by material considerations, and in particular the provisions of the NPPF. Para 14 indicates that, where a development plan is absent, silent or relevant policies are out of date, then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Para 215 requires that weight should be given to relevant policies according to their consistency with the NPPF.

22. Policy 9 is neither absent nor silent, which is a matter confirmed in the Bloor Homes judgement on the previous appeal, and there is no indication that circumstances have changed so as to lead to a different conclusion on this point. However, where previously it was determined that the Council could demonstrate a five year housing supply, for the reasons set out above, that is no longer the case. In these circumstances, NPPF para 49 requires that relevant policies for the supply of housing should not be considered up to date.

23. In this respect, it is the appellants’ contention that Policy 9 falls within the scope of para 49 by being relevant to the supply of housing. Reference is made to the determination in appeals in Honeybourne and Winchcombe, for example, albeit with some variation in circumstances, and to the judgement in Cotswold, which found that a policy restricting housing development outside development boundaries was relevant to the supply of housing. On the other hand, a policy concerning a Green Wedge in the William Davis case was considered not to relate to the supply of housing. If these judgements are to be distinguished, the policy in Cotswold related to all areas outside development boundaries, whereas William Davis referred to a specifically defined area of Green Wedge. This distinction is also made in the South Northamptonshire case, where a policy which prevented development in the open countryside was deemed to be relevant to the supply of housing, but, as a very general policy, it could be contrasted with policies to protect specific areas or features, such as gaps between settlements. This decision goes on to note that whether a particular policy falls within the scope of para 49 is a matter of planning judgement.

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9 Hinckley and Bosworth Green Wedge Review, December 2011
10 Bloor Homes Ltd v SOS for CLG, [2014] EWHC 754 (Admin)
11 APP/H1840/A/12/2171339, issued 24 August 2012, and APP/G1630/A/12/2183317, issued 14 May 2013
12 Cotswold District Council v SOS for CLG, [2013] EWHC 3719 (Admin)
13 William Davis Ltd v SOS for CLG, [2013] EWHC 3058 (Admin)
14 South Northamptonshire Council v SOS for CLG, [2014] EWHC 573 (Admin)
24. In this instance, Policy 9 appears closer to the circumstances of William Davis than to those in Cotswold. This part of the Green Wedge, whilst of some extent and crossing several local authority boundaries, has a relatively narrow and lineal form, passing between Leicester and the villages on its north western side. It covers a limited proportion of each of the constituent authorities and neither this, nor the other area of Green Wedge in this Borough, amounts to a blanket restriction on development outside settlements. In this respect, it cannot be construed as subject to a “counterpart” policy, as described in para 47 of the South Northamptonshire judgement. Its purposes, set out as assessment criteria in the Green Wedge Review, are to prevent the merger of settlements; to guide development form; to provide a green lung into urban areas; and, to act as a recreational resource. The intention of the policy is to protect a tract of land from development which might undermine these purposes. Overall, there are grounds to conclude that Policy 9 is not a policy relevant to the supply of housing in the terms set out in NPPF para 49, and should not therefore be considered out of date for that reason.

25. Nor are there grounds to consider that the Green Wedge Policy has fallen out of date because of the passage of time or changes in circumstances. It is a long standing policy, which, as the appellants point out, was not intended to restrict development but to ensure that open space was incorporated into the urban areas on the edge of Leicester. This is a continuing objective.

26. Turning to the implications of NPPF para 215, any weight given to Policy 9 would be diminished by a lack of consistency with the policies of the NPPF. However, whilst the NPPF does not specifically refer to Green Wedges, there is no reason to consider that the objectives that Policy 9 is intended to serve, including the separation of settlements to retain their identity, and promotion of the recreational aspects of countryside, are inconsistent with either the policies or underlying principles of the NPPF.

27. It is also alleged that Policy 9 is inconsistent because it does not incorporate the cost-benefit approach which was identified in the Colman judgement. However, the policy considered in that case, which applied to all of the countryside, was clearly prohibitive of development, whereas, by the appellants’ own acknowledgement, Policy 9 is a permissive policy. By implication, uses which fall outside those specified will not be acceptable because they would damage the function of the Green Wedge, but it is open to a developer to show that an alternative use would not cause such damage. It is certainly true that the policy does not explicitly state that its objectives could be overcome by the delivery of benefits, but its omission would have little practical effect on the operation of Policy 9, because it is always open to an applicant to argue that material considerations outweigh the development plan.

28. There are adequate grounds to decide that Policy 9 is not out of date in terms of NPPF para 14, and is consistent with the NPPF, so as to retain weight in the consideration of this appeal. The question arises, therefore, as to whether, and to what degree, the proposal would be in conflict with that policy by causing harm to the function of the Green Wedge. In this respect, the purposes derived from the Green Wedge Review, referred to above, were adopted by both main parties as a means of assessing the impact, and there is no reason

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15 Anita Colman v SOS for CLG, [2013] EWHC 1138 (Admin)
16 Section 38(6) of the Planning and Compulsory Purchase Act 2004
to seek alternative criteria. Of these, the appellants point out that guiding
development form is not engaged because it refers to amendments to the
Green Wedge to shape the development of new communities, and it is
accepted this has limited relevance to the present situation. The other
purposes are considered below.

The Impact of the Development on the Green Wedge

29. It is contended that the Green Wedge plays a limited role in separating Groby
and Ratby because of the lack of inter-visibility, and because of the dividing
effect of the M1 Motorway. On this latter point, it is certainly true that the
motorway is a physical barrier. However, its location in a cutting means that it
is an audible, rather than visual presence, so that, to the observer, there is
continuity of landscape to the edge of Ratby. Nor is it accepted that the
settlements would remain effectively concealed from one another. At the time
when the site visit took place, the upper parts of buildings in Ratby were clearly
visible to the west of the site. For at least a portion of the year, it would be
apparent on the ground that the countryside between the settlements was
significantly decreased, diminishing the perception of their identity as separate
villages. Similarly, travellers using the road between Ratby and Groby would
become aware of the closer proximity of these settlements, which would take
on the character of being divided by a narrow neck of open land, rather than
the current impression of being set within countryside. The area retains a
largely rural character, despite the open, non-agricultural uses on adjoining
land, and the appeal site contributes to this impression.

30. Part of the function of the Green Wedge as a green lung is to provide a
connection between urban areas and the open countryside. The lineal form of
the wedge, passing between settlements, gives close accessibility to rural land,
as well as a link to the wider countryside beyond. At a more local level, this
part of the Green Wedge is adjacent to Cowpen Spinney, an area of green
space which protrudes into the built-up part of Groby, to the east of the former
tramway. Development of the site would largely surround the spinney with
urban development, and remove its connection with the countryside, so
diminishing accessibility through it to the rural area.

31. There is no indication of a right of public access to the appeal site, and the
Green Wedge Review does not suggest a recreational function of the land.
Notwithstanding this, the existing field gives an open, rural aspect to its
surroundings, including the footpaths bordering the site. The character of
those paths would change with development of the land, and, to the extent
that they are used by walkers, and by those enjoying the wider countryside,
there would be a reduction in the overall recreational value.

32. Although the assessment of these criteria would indicate damage to the
function of the Green Wedge, it is suggested by the appellants that the nature
of the site and its surroundings are such as to minimise any harm, and account
is taken of their landscape analysis in this respect. It is certainly the case that
there is existing vegetation on the boundaries of the site, which would be
reinforced as part of the development, and the housing would be set in from
the surrounding roads. Nonetheless, whilst in its present condition the site is
not especially prominent in the area, tending to blend into the general
landscape, new housing would be sufficiently visible, both through and between
boundary planting, as to have a decisive effect on the character of the site and
its surroundings. It is the case that the road system around the triangle of land is an urbanising influence, but there is no substantial reason to conclude that the outer edges of the appeal site would provide a preferable or more logical boundary to this part of the settlement than the former tramway, which, by being raised on an embankment and surrounded by mature trees, creates a clear demarcation of the nearest part of the village.

33. There was a distinct change of approach to the assessment of this part of the Green Wedge between the draft Green Wedge Review of September 2011 and the final version in December. Where the earlier report noted that the appeal site did not achieve the objectives of the Green Wedge, and had a more limited impact on its overall functioning than other more sensitive areas, the later version found that it did perform the separation of settlements and helped to guide development form. The appellants question whether this change of view was justified by the altered circumstances identified in the report, and this point is noted. Nonetheless, limited weight can be attributed to the superseded draft Review. Similarly, the site was identified as one of 28 ‘preferred sites’ in Groby in the Draft Preferred Options Report of 2009, but excluded in the Pre-Submission Report of 2014, and, again, limited weight can be given to the earlier draft document. The 2013 SHLAA does not wholly exclude consideration of the site for housing, but acknowledges that its Green Wedge status may be a severe limitation.

34. Regard is also had to a number of other sites, some of which are in adjoining Boroughs, where planning permission has been granted for development in the Green Wedge, including the substantial housing and commercial scheme in Glenfield. By their nature, each case has different characteristics, and, even if it is necessary to develop part of the Green Wedge to meet the requirement for housing land, each case is assessed on its merits, and no general principle may be derived to indicate that circumstances will invariably overcome the need to retain Green Wedge land.

**Conclusions on the Green Wedge**

35. For the reasons given, Policy 9 is not outweighed by the provisions of the NPPF, and the development would be contrary this policy by having a harmful effect on the function of the Green Wedge.

**Prematurity**

36. Part of the Council’s grounds of refusal state that the development would be premature to the plan making process by allocating a site and amending the Green Wedge boundary ahead of consideration and consultation of the Site Allocations and Generic Development Policies DPD. In response, the previous Inspector noted that para 17 of the NPPF indicates that planning should be genuinely plan led, and that permission now would undermine the role of the Council and local communities in this process. At that time, it was anticipated that the Site Allocations Plan would be subject to examination at the beginning of 2014.

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17 Site Allocations and Generic Development Control Policies: Consultation Draft Preferred Options Report 2009
19 Strategic Housing Land Availability Assessment, 2013 Review
20 APP/T2405/A/10/2138666, October 2011
21 Quashed decision APP/K2420/A/12/2181080, 22 January 2013
37. In the event the programme has slipped, with the Plan still to complete its consultation period at the time of writing, and the examination expected no earlier than the summer of 2015. This follows a series of slippages which have occurred since adoption of the Core Strategy in 2009. In addition, the previous Inspector found a five year housing supply, whereas its absence in this case creates an increased need to allocate sites in advance of the Plan. The Planning Practice Guidance notes that refusal of planning permission on the grounds of prematurity will seldom be justified where a Local Plan has yet to be submitted for examination, and, unless the effect would be so significant as to undermine matters central to the emerging plan.

38. The Site Allocations Plan has not reached the stage of examination, and there is no indication that the grant of planning permission would have a determining effect on it. Whilst there is a need to support a plan led system, the delivery of that plan has become protracted, and there is a requirement for land in advance of its adoption. In the circumstances, it is not accepted that the proposal is premature so as to undermine the preparation of the Site Allocations Plan.

**Sustainability and Overall Conclusions**

39. The presumption in favour of development in the NPPF applies to sustainable development, which is defined in para 7 as having economic, social and environmental components. The provision of market and affordable housing would satisfy both economic and social aspects of sustainability. In circumstances where there is an identified shortfall in the supply of housing, and a clear need for affordable dwellings in the area, the scheme would help to meet the NPPF objective of boosting the supply of housing in order to contribute to a wide choice of homes. Similarly, there would be the environmental benefit of public access to the open space on the estate, albeit this would be of limited extent and closely related to the new housing.

40. Core Strategy Policy 8 seeks to support local services in Groby and ensure local people have access to a range of housing by the provision of a minimum of 110 new homes. Whilst the draft Site Allocations Plan aims to meet these needs on alternative sites, the plan has not yet been to examination, which diminishes the weight that may be applied to it, and, in any event, there is little evidence that exceeding this minimum level would be unduly harmful to the village, especially as any additional pressure on infrastructure could be met by planning obligations. The site is in an accessible location, with facilities available without the need to rely on private vehicles, and there is no reason to consider that the increased population could not be successfully absorbed into the community of Groby.

41. Set against these positive attributes is the objective of Policy 9 to secure a Green Wedge to contribute to the life of urban residents. The site is within the area of open land separating Groby and Ratby and, on a wider scale, forms part of a linked network of open spaces to provide a green lung and connection with the surrounding countryside. Its development would undermine the identified purposes of the Green Wedge, for the reasons set out above. In these respects it would not meet those aspects of the social and environmental components of sustainability which concern the need to protect the natural environment and the well being of local residents.
42. In forming a judgement between these competing objectives, the location of the site within a relatively narrow portion of the Green Gap is of particular importance. The projection of the urban area of Groby towards Ratby would diminish the width of the gap to the degree that its role in separating these settlements would be seriously undermined. This, combined with the loss of part of the green lung, and the harmful effect on the recreational value of adjoining land, is of sufficient importance to outweigh the positive aspects of the scheme, so as to render it an unsustainable form of development overall, for which there is no presumption in favour. Despite the conclusions that the Council are not able demonstrate a five year housing supply, and that the proposal would not be premature to the emerging site allocations plan, the conflict with Policy 9 renders the proposal contrary to the development plan, and the adverse impacts would significantly and demonstrably outweigh the benefits.

*John Chase*

INSPECTOR
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader Of Counsel
He called
Mr A Thompson BSc, MPhil, MRTPi
Mr R Crosthwaite BA, DipTP, MRTPi
Dr D Hickie BSc, MA, PhD, CMLI, CEnv, MIEMA, IHBC, MISP
Hinckley and Bosworth Borough Council
Hinckley and Bosworth Borough Council
David Hickie Associates

FOR THE APPELLANTS:

Mr J Cahill QC
He called
Mr J Peachey BSc, M.LD, CMLI
Mr A Bateman BA TP, MRICS, MRTPI, MCMI, MIoD, FRSA
Pegasus Group
Pegasus Group

FOR THE GROBY AND RATBY PARISH COUNCILS:

Mr S Stanion Solicitor, Marrons Shakespeares
He called
Mr J Coley Chairman, Groby Parish Council

INTERESTED PERSONS:

Mr M Lambert Dip T, MRTPi On behalf of Leicestershire Police
Mr A Tyrer BA, MRTPi On behalf of Leicestershire County Council
DOCUMENTS

FROM THE APPELLANTS
A1  List of representatives at the appeal
A2  Completed Section 106 Unilateral Undertaking
A3  Response to LPA Housing Land Availability Evidence
A4  Letter from Bloor Homes to A Bateman dated 16 January 2015
A5  Opening Statement on behalf of the Appellants
A6  Updated tables to show housing land supply position
A7  Closing statement on behalf of the Local Planning Authority at Land East of Groby Village Cemetery Inquiry of December 2012
A8  R (on application of Perret) v SOS for CLG, [2009] EWCA Civ 1365
A9  Court of Appeal; Solihull MBC v Gallagher Estates and Lioncourt Homes, [2014] EWCA Civ 1610
A10 Examples of recent appeal decisions where Sedgefield methodology endorsed by the Inspector and Secretary of State
A12 Email from M Whitehead dated 22 October 2014 enclosing notes of meeting concerning Hinckley West on 17 September 2014
A13 Email from M Whitehead dated 21 January 2015 with enclosures concerning Section 106 Undertaking
A14 Consultee comments concerning impact on GP Practices of 14 May 2012
A15 Email from County Council dated 31 July 2012 concerning archaeological work
A16 Appellants’ closing statement

FROM THE RULE 6 PARTIES
B1  Opening statement on behalf of Groby and Ratby Parish Councils
B2  Parish Councils’ closing statement
B3  Supplementary proof by Leicestershire County Council
B4  Consultation response from Leicestershire County Council Highway Authority
FROM THE BOROUGH COUNCIL

C1 Email from A Sykes of 1 September 2014 concerning rate of delivery on land west of Normandy Way, Hinckley

C2 Feedback Analysis for Land off Normandy Way, Hinckley on behalf of Bloor Homes dated December 2014

C3 Minutes of HBBC Pre-application Meeting of 17 September 2014, concerning Hinckley West

C4 Email from R Crowtherwaite to A Thompson of 16 January 2015, concerning Residual Housing Requirements

C5 Letter from Signet Planning and Charnwood BC dated 31 March 2014 concerning impact of Planning Practice Guidance

C6 Site Suggestion Form re: Laurel Farm, Leicester Road, Groby; Emails re: Land off Bluebell Drive and Grey Close Groby

C7 Housing supply table 2014 to 2026

C8 Summary proof of Dr Hickie

C9 Open Statement by the Local Planning Authority

C10 Borough Council Meeting Minutes 20 December 2011

C11 Appeal Decision Ref APP/R0660/A/13/2209335, Land bounded by Gresty Lane, Rope Lane, Crewe Road and A500, Crewe

C12 Play and Open Space Guide SPD, September 2008

C13 North Wiltshire District Council v Secretary of State for the Environment

C14 Council’s closing statement
APPENDIX F: Cotswold Archaeology: Note on Heritage
Land East of Hardingstone
North of Newport Pagnell Road
Northampton
APP/V2825/A/14/2228866

Note on Heritage

for
The Homes and Communities Agency

CA Project: 660492
CA Report: 15308

June 2015
1. INTRODUCTION

1.1 My name is Gail Stoten. I am a Principal Heritage Consultant for Cotswold Archaeology, based in the company’s headquarters building in Kemble, Cirencester, Gloucestershire. I am a Member of the Chartered Institute for Archaeologists (MCIfA), and Cotswold Archaeology is a Registered Organisation (RO) with the Institute. I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology from the University of Nottingham and I have been a professional archaeologist for 15 years. The evidence which I have prepared and provided for this appeal in this note is true and has been prepared and given in accordance with the guidance of my chartered professional institution. I confirm that the opinions expressed are my true professional opinions.

1.2 This note has been prepared following the submission of objections by third parties to the proposed development relating to heritage issues. Its purpose is to summarise the Appellants’ and Council’s position with regard to heritage, and to address points made by third party objectors.

2. BACKGROUND

2.1 The application was accompanied by an Environmental Statement with a chapter on Cultural Heritage (Core Document 6, Chapter 6). This was informed by an Archaeological Assessment and Evaluation Summary Report (CgMs 2009), which summarised the results of previous assessments comprising an Archaeological Desk-Based Assessment (CgMs 2007), a geophysical survey (NA 2008) and archaeological trial trenching evaluation (NA 2008).

2.2 A Conservation Area Appraisal and Management Plan has been completed for the Hardingstone Conservation Area by the Planning and Policy Section of Northampton Borough Council in 2009 (NBC 2009, Core Document 95, henceforth the ‘Hardingstone Appraisal’). A short leaflet on the Hardingstone Conservation Area was subsequently produced by the same section (NBC 2011a, Appendix 1), as well as one on the Wootton Conservation Area in the same year (NBC 2011b, Appendix 2).
3. SUMMARY OF POSITION

Conservation Area and Listed buildings

3.1 The Environmental Statement (ES) assessed the potential impacts of the proposed development of the Appeal Site, and concluded that the residual effect on each of the designated heritage assets (within 750m of the site) was neutral (Core Document 6, Chapter 6 Cultural Heritage, paragraph 6.6.2). The main conclusions of the ES were reiterated in a letter from Parsons Brinckerhoff of 4th March 2014 to Ms Nicky Toon (Core Document 119).

3.2 In an Internal Memorandum dated 18th September 2013 and addressed to Nicky Toon, Jenny Ballinger, the Northampton Borough Planning Officer (Conservation) provide her analysis and recommendations with regards to the proposed development of the Appeal Site (Appendix 3).

3.3 With regards to the Listed buildings, Ms Ballinger concludes that ‘There is no real impact on the settings of the listed buildings’.

3.4 With regards to Hardingstone Conservation Area, Ms Ballinger discusses the location of an area referred to in the Conservation Area Appraisal as being an important and significant part of the setting of the Conservation Area:

‘The area behind Pittam’s Farmhouse (No 17 The Green) is an important part of the setting of this part of the Conservation Area and provides significant views into the ranges of traditional farm buildings which form Pittam’s Farm’

and

‘From Pittam’s Farmhouse the land falls to the south east, and giving good views of this farm complex and the wider agricultural context within which Hardingstone has become established. The land here is of some historic interest as a warren supplying rabbit meat in the medieval period, then (much later) being used as a quarry. A stone barn has recently been replaced by modern farm buildings. This area is a significant part of the wider setting of the village and accessible by footpath’.
Ms Ballinger considers the location of this area, and concludes that ‘This appears to refer to the area immediately to the east of the conservation area and not the wider area to the south, which forms the proposed development site’

3.5 Ms Ballinger further concludes that ‘The natural lie of the land and the location of Brackmills Wood provide a natural buffer zone between the development site and the conservation area. There would be concerns if development were proposed to the north of the proposed site, but there are no significant negative impact on the setting of Hardingstone Conservation Area with the existing proposed development. Recommendation – no objections.’

3.6 This position was summarised in the Committee Report (Core Document 57, paragraph 6.7), and no heritage issues were cited in the Reasons for Refusal (Core Document 60 and 61). Heritage issues are not cited in the Council’s Statement of Case (Core Document 21).

3.7 The Agreed Principal Statement of Common Ground between the HCA and NBC states that ‘The level of impact on the Conservation Area, listed buildings and any other known heritage assets is agreed with NBC as being nil detriment.’ (Core Document 18, paragraph 8.4) and that ‘There are no issues relating to heritage that would constitute a reason for refusal’ (Core Document 18, paragraph 8.6).

**Archaeology**

3.8 One area of archaeological remains has been identified within the site through the surveys listed in paragraph 2.1, above; a prehistoric complex, including the remains of Bronze Age burial mounds which have now been ploughed flat and ditches. These were assessed in the ES chapter as being of Regional significance; not of significance commensurate with being a designated heritage asset. Following mitigation (archaeological recording), the impact upon these remains of the proposed development was assessed as neutral (Core Document 6, Chapter 6, paragraph 6.4.10).

3.9 In a letter of 29th April 2013 (Appendix 4), Lesley-Ann Mather, County Archaeological Advisor confirmed that ‘The studies have provided sufficient information in which to assess the archaeological potential of the development area’ and that ‘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’.

3.10 This position was summarised in the Committee Report (Core Document 57, paragraph 6.9), and no archaeological issues were cited in the Reasons for Refusal (Core Documents 60 and 61). Archaeological issues are not cited in the Council’s Statement of Case (Core Document 21).

3.11 The Agreed Principal Statement of Common Ground between the HCA and NBC states that ‘There is agreement that there is no archaeological constraint to development’ and that ‘The archaeology considerations do not constitute a reason for refusal’ (Core Document 18, paragraph 8.7).

4. EVALUATION

4.1 I have visited the site, Hardingstone, and the surrounding areas, and reviewed the key documents and Layout Frameworks. I have considered the significance and setting of the heritage designated assets at Hardingstone in line with the guidance contained in Historic England’s Historic Environment Good Practice in Planning, Note 3 – The Setting of Heritage Assets (2015). It is my professional opinion that the proposed development would not impact upon the significance of the designated heritage assets at Hardingstone or Wootton through the alteration of their setting, and that the proposed development will preserve the character and appearance of the Conservation Area.

5. THIRD PARTY OBJECTIONS

5.1 Issues relating to heritage have been cited in objections submitted to the Inspectorate including those from Hardingstone Parish Council and the Hardingstone Action Group. Issues raised by these parties are considered in this section.

5.2 In a letter dated 24\textsuperscript{th} May 2015, Hardingstone Parish Council presented a statement for the Inquiry (Appendix 5). This cited previous communications. A letter of 27\textsuperscript{th} January 2015 (Appendix 6) states that ‘The site is adjacent to the Hardingstone Conservation Area. The Conservation Area’s Appraisal states that the conservation
area has the character of a village, and that part of the conservation area immediately adjacent to the development is an important part of that setting.' This correctly recognises that the important part of the setting of the Conservation Area lies beyond the Appeal Site.

5.3 The letter from Hardingstone Parish Council (Appendix 6) goes on to state that 'It [the proposal] would clearly have a negative impact on the setting and character of the village.' As stated above in paragraph 5.2, it was acknowledged earlier in the objection that the important setting of the Conservation Area lies beyond the Appeal Site. Furthermore, it is my professional opinion, based on my assessment during the site visit and consultation of historic maps, that there will not be an adverse impact upon the significance of the Conservation Area, and its character and appearance will be preserved. It is agreed common ground with the Council that the impact upon the Conservation Area will be nil detriment, and it is the opinion of the NBC Planning Officer (Conservation) that there will be no significant negative impact upon the setting of the Hardingstone Conservation Area. No heritage issues were mentioned in a report by Lockhart Garratt of 2014 (which has been submitted to this Inquiry), which was commissioned by Hardingstone Parish Council to give a critical landscape appraisal. No heritage issues are recorded in the minutes of the Parish Council meeting of 3rd January 2014 (Appendix 7), when the initial findings of the Lockhart Garratt assessment were considered and it was concluded that 'there is nothing within the Landscape Assessments to object against.'

5.4 Hardingstone Action Group has recently submitted two statements to the Inquiry; one from Ms Servant (Appendix 8) and another from Mr Bell. The latter was submitted in two slightly different forms, dated April and May 2015 (both given in Appendix 9). The main points of these objections relating to heritage, and a 'Heritage Rep' letter (Appendix 10) are discussed below.

5.5 It is claimed in the statement to the Appeal from Ms Servant (Appendix 8) that 'the fields form the visual and historic backdrop to Hardingstone village and conservation area' (paragraph 3.1). Mr Bell’s statement (Appendix 9) mentions views to the area when approaching from the south-east, and also sight-lines from the village to the fields of the site. The Hardingstone Appraisal has a plan showing important boundary walls and important views (Core Document 95: Appendix 2, Map 2). This clearly shows that there are no important views to the site from the Conservation Area. Furthermore, in the section entitled 'key views and vistas' (Core document 95,
Because of the local topography there are no locations outside the village where important views into the conservation area can be achieved'. Having visited the village and its vicinity, I do not consider that the Appeal Site forms a backdrop to the Conservation Area, or that there are important views to it from the Conservation Area or vice versa.

5.6 Ms Servant's submission (Appendix 8) states that the fields are 'particularly valued as they are Hardingstone's last link with its rural heritage of agricultural economy' (paragraph 3.1). It is also stated in Mr Bell's Character of Hardingstone document (Appendix 9) that 'These fields are the essential rural setting for the Conservation Area that is such an identifying characteristic of Hardingstone'. The Hardingstone Action Group's 'Heritage Rep' (Appendix 10) states that the fields of the site 'are an important part of its [the conservation area's] visual setting'. However, as Ms Servant's statement to the Appeal (Appendix 8) recognises 'part of the conservation area immediately adjacent to the development site is an important part of that setting', and this is correct; it is the area to the north of the Appeal Site that contributes to the significance of the Conservation Area through setting, not the Appeal Site. There are important views to the fields to the north of the Appeal Site from the Conservation Area, as shown on Map 2, Appendix 2 of the Appraisal (Core Document 95), but none to the Appeal Site. Furthermore, the Appraisal also mentions land to the north-west of Coldstream Lane that contains an area of very well preserved ridge and furrow land which is a remnant of the medieval farming system as being important green setting to the Conservation Area. Hence, there are two key areas that provide better links with Hardingstone's agricultural past than the Appeal Site, and as such it is these other areas that contribute to the significance of the Conservation Area through setting.

5.7 The Appeal site itself has seen great change over the past couple of hundred years. It is highly probable that the site once contained ridge and furrow earthworks; these have since been ploughed flat. Consultation of historic mapping such as a map of 1767 (Appendix 11) demonstrates that there has been reorganisation of field boundaries; mostly removal but also addition where they flank the new road. This means the appearance of the site has been much altered since the 18th century, through the removal of earthworks and increase in field size.

5.8 Ms Servant's statement (Appendix 8) goes on to state that the importance of agricultural views both into and out of the conservation area was confirmed at
appeal for the site immediately to the north of this site (Appeal reference T/APP/V2825/A/97/282945/P2, henceforth termed ‘the Pittams Farm development’, Inspector’s Report and red line area given in Appendix 12). However, there are two key reasons why the findings of the Inspector with regard to the Pittams Farm development are not relevant to the Appeal Site. Firstly, the Pittam’s Farm development lay partially within the Conservation Area, whereas the Appeal site lies wholly outside the Conservation Area. Secondly, the proposed development area for Pittams Farm lay to the north of the Appeal site, and would have blocked then-present views of the historic core of the Conservation Area from land to the east of it. The proposed development would not have such an impact, lying further to the south, not alongside the historic core of the Conservation Area. The Pittams Farm site lay in the area the Conservation Area Appraisal identified as being an important part of the setting of the Conservation Area; the proposed development does not lie in this area. In addition, the Pittams Farm development involved the replacement of farm buildings that lie within the Conservation Area with houses, altering the entrance into the Conservation Area from the footpath to the south-east.

5.9 Ms Servant also states (Appendix 8) that the footpath which runs through the site ‘may (according to village folklore) be the continuation of the Roman ‘Portway’ road to London’, and the Heritage Rep (Appendix 10) states that ‘research has identified archaeological material from the Bronze Age and Iron Age at the site, and identified the possibility of Roman and Saxon activity. This needs further investigation and protection’. In archaeological terms, the route of a possible Roman road would not be of sufficient significance to preclude the development of this area, which has been fully evaluated by previous archaeological investigations as part of the planning process, to the satisfaction of the County Archaeological Advisor (Appendix 4). The evaluation has also provided sufficient information on the significance of other below ground archaeology for the determination of the application, and confirmed that this is not of sufficient significance to preclude development. Further recording works would be secured through a condition to any permission granted.

5.10 The Hardingstone Action Group’s ‘Heritage Rep’ (Appendix 10) states that Hardingstone is itself the estate village of the Grade II* Listed Delapre Abbey. The village is now separated from the Abbey and its parkland by the A45 dual carriageway.
5.11 The Hardingstone Action Group’s ‘Heritage Rep’ (Appendix 10) also cites the Northamptonshire Landscape Sensitivity and Green Infrastructure as assessing the site to have medium cultural heritage sensitivity, with significant constraints to development. This was a broad-brush assessment of a large area, and can be considered to have since been superseded by more detailed assessment of the Appeal Site and wider area.

6. CONCLUSION

6.1 I consider that objections made on the grounds of heritage are unfounded. It is my opinion and that of the Council’s Officers that the proposed development will not impact upon the significance of the Hardingstone Conservation Area or Listed buildings through changes to setting. Nor will it impact upon Wootton Conservation Area. The below ground archaeological remains within the site are not of a significance that would preclude development within the site.

7. REFERENCES

CgMs 2007 Archaeological Desk-Based Assessment, Wotton SDA, Wotton, Northamptonshire

CgMs 2009 Archaeological Assessment and Evaluation Summary Report, Wotton SDA

Lockhart Garratt 2014 Land to South of Brackmills, Northampton, Critical Landscape Appraisal, ref 13-2259/3274/D01

Northamptonshire Archaeology 2008a Geophysical Survey of Land at Wotton, Northampton, NA report 08/25

Northamptonshire Archaeology 2008b An Archaeological Evaluation of land Near Wotton, Northampton, NA report 08/11

NBC (Northamptonshire Borough Council, Planning Policy and Conservation Section) 2009 Hardingstone Conservation Area, Conservation Area Appraisal and Management Plan

NBC (Northamptonshire Borough Council, Planning Policy and Conservation Section) 2011 Hardingstone Conservation Area (leaflet)
APPENDIX 1
Hardingstone Conservation Area leaflet (NBC 2011a)
Demolition
A “conservation area consent” must be obtained from the planning authority for the demolition of most walls, buildings or structures within the area. This does not apply to:
- buildings smaller than 115 cu.m. in volume, or to walls or fences below 1m. in height abutting the highway (2m. elsewhere).
- some agricultural buildings.
- partial demolition of industrial buildings (in specific circumstances)
- buildings subject to some statutory notices or orders.
A separate “Listed Building Consent” is required for the demolition or alteration of a listed building (inside or out), or structures within the curtilage of a listed building.

Some buildings have been identified as locally important, and placed on a “Local List”. While they do not enjoy the same protection as those on the statutory list, it is expected that particular care be taken with these buildings and there will be a presumption against demolition.

Repairs
Repairs do not generally need planning permission unless they include alterations which significantly change the external appearance of the building or structure. Repairs should be carried out on a ‘like for like’ basis, matching materials and details. Where an unoccupied building is not being properly maintained, the Local Authority can carry out urgent works necessary for its preservation.

Restricting Development
In a conservation area, planning permission is required for work that would ordinarily constitute “permitted development”. This includes:
- exterior cladding
- side extensions, or the construction of any other building or structure to the side of the house
- rear extensions of more than one storey
- roof extensions, including insertion of dormer windows
- the installation, alteration or replacement of a chimney, flue or soil and vent pipe visible from the highway
- erection of an aerial or satellite dish facing on to, and visible from, the highway
- erection of solar panels on a wall or roof facing on to, and visible from, the highway
- limits on the size of domestic and industrial extensions.
The Local Authority may also selectively restrict specific development through Article 4 Directions.

You are advised to check with the Council before carrying out alterations.

Trees
Well-established trees make an important contribution to the positive character of the area. Within a conservation area all trees with a stem diameter of over 75mm (measured at 1.3m above the ground) have a measure of protection since six weeks notice must be given to the Local Authority for any works to, or likely to affect, these trees. Selected trees may have the full protection afforded by a Tree Preservation Order, where the consent of the Local Authority is needed before any work can be carried out on the trees.

Please check with the Council’s Arboricultural Officer before carrying out works to any tree in a conservation area.
What is a Conservation Area?

This is an area identified as being of special architectural or historic interest – often the historic nucleus of a village or a part of town retaining enough of its historic character to justify protection. Conservation areas aim to protect the overall character of the area, not just particular buildings. The main objectives of designation are:

- To enable the implementation of conservation policies
- To control the demolition of unlisted buildings and structures within the area
- To control the removal of important trees
- To provide the basis for planning policies designed to preserve or enhance all aspects of the character or appearance that define an area’s special interest. This will include the identification of buildings and structures, open spaces, views, trees and areas of the public realm (streets, spaces and squares) which make positive contributions to the area.

Historical Background

While archaeologists have found evidence of Iron Age and Roman settlement in the area, the earliest mention of Hardstone, as with so many of the villages around Northampton, is in the Domesday Book. The village appears to have developed along an east-west drove road following the crest of the valley slope above the River Nene, and the ancient parish included mills along the river which must have been significant sources of revenue.

Hardstone became almost entirely church land in the 12th century, supporting the leper hospital of St Leonard (in Far Cotton) as well as the Cluny monastery at Delapre. The parish church of St Edmund dates from 1223, but no other building in the village survives from before the 17th century when stone began to be used more often for domestic dwellings. Most of the buildings forming the old core of the village are predominantly of the local brown iron-rich Jurassic sandstone. Evidence from the medieval field patterns seems to suggest Hardstone was a poly-village with two separate parts – one centred around the war memorial and Back Lane, the other around the church and junction with Coldstream Lane.

There has been much infilling between the historic buildings, mostly of rather ordinary quality, diluting the historic character of the old part of the village.

The Conservation Area

There is plenty of variety in the building line. The majority of the early houses are built right up to the pavement, though taller houses, such as Hardstone House and Mulberry House are set back from the road in their own grounds. 20th century infill tends to be set back from the road with stone or brick walls, although the most recent additions (as at 34-38 High Street) follow the earlier precedent of building up to the highway line. Boundary walls thus play an important part in uniting the disparate elements of the conservation area. Walling materials generally mirror the range of brick and stone used in the buildings, and they display a wide range of traditional capping techniques.

Between the Church and the war memorial, the street is flanked on the one side by two-storey stone-fronted cottages, and on the other by large trees in the gardens of the Back Lane houses, overhanging the road. The row of 19th century cottages placed at right angles to the road on the northern side marks a departure from this street pattern. The views open up as The Green is approached from the west. Several of the buildings at this point are of high quality, but the pleasing effect is reduced by gaps and unsympathetic infilling.

The area surrounding the memorial at the junction of Back Lane, High Street and The Green provides the main focal point of the village. The Green enjoys a good sense of enclosure, and the buildings bounding the east side form one of the finest groups in the village. These are not all of the same period but the majority date from the early to mid 19th century. Although some alterations have been made, they retain much of their original architectural character.

Many Northamptonshire villages have “Back Lanes”. That in Hardstone seems to have been of very early origin, and describes a long loop to the north of the High Street, dividing into two sections, each of distinctive character. Running north-east from the war memorial, Back Lane retains regular and imposing stone façades, while high walls add a sense of enclosure to the street views. At the junction with Houghton Hill, the road swings to the west and narrows considerably, with the street views dominated by large trees.

Here the older buildings consist of large distinctive late C18 / early C19 houses, sited in extensive and well-treed gardens; while part of the northern side of the road is occupied by modern bungalows.

The steep gradient falling to the north ensures that fine views are gained across Delapre Golf Course and Nene Valley Way towards the town centre.
APPENDIX 2
Wootton Conservation Area leaflet (NBC 2001b)
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- buildings smaller than 115 cu.m. in volume, or to walls or fences below 1m. in height abutting the highway (2m. elsewhere).
- some agricultural buildings.
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A separate “Listed Building Consent” is required for the demolition or alteration of a listed building (inside or out), or structures within the curtilage of a listed building.

Some buildings have been identified as locally important, and placed on a “Local List”. While they do not enjoy the same protection as those on the statutory list, it is expected that particular care be taken with these buildings and there will be a presumption against demolition.

Repairs

Repairs do not generally need planning permission unless they include alterations which significantly change the external appearance of the building or structure. Repairs should be carried out on a ‘like for like’ basis, matching materials and details. Where an unoccupied building is not being properly maintained, the Local Authority can carry out urgent works necessary for its preservation.

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- rear extensions of more than one storey
- roof extensions, including insertion of dormer windows
- the installation, alteration or replacement of a chimney, flue or soil and vent pipe visible from the highway
- erection of an aerial or satellite dish facing on to, and visible from, the highway
- installation of solar panels on a roof or wall facing on to, and visible from, the highway
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The Local Authority may also selectively restrict specific development through Article 4 Directions. You are advised to check with the Council before carrying out alterations.

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Well-established trees make an important contribution to the positive character of the area. Within a conservation area all trees with a stem diameter of over 75mm (measured at 1.5m above the ground) have a measure of protection since six weeks notice must be given to the Local Authority for any works to, or likely to affect, these trees. Selected trees may have the full protection afforded by a Tree Preservation Order, where the consent of the Local Authority is needed before any work can be carried out on the trees.

Please check with the Council’s Arboricultural Officer before carrying out works to any tree in a conservation area.
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This is an area identified as being of special architectural or historic interest – often the historic nucleus of a village or a part of town retaining enough of its historic character to justify protection. Conservation areas aim to protect the overall character of the area, not just particular buildings. The main objectives of designation are:

- To enable the implementation of conservation policies
- To control the demolition of unlisted buildings and structures within the area
- To control the removal of important trees
- To provide the basis for planning policies designed to preserve or enhance all aspects of the character or appearance that define an area’s special interest. This will include the identification of buildings and structures, open spaces, views, trees and areas of the public realm (streets, spaces and squares) which make positive contributions to the area.

The High Street provides the central spine of the conservation area, which comprises the core of the old village, some 16 acres (6.5 ha) in extent. Some of the atmosphere and character of the original rural village still remains in the narrow street, with its raised pavements and sharp bends, winding side lanes and compact groups of cottages. Rebuilding and infilling over a period of time in the older parts has resulted in an attractive mixture of styles and materials. The topography of the area is quite varied, creating unexpected vistas and glimpses.

In the oldest part of the village the quieter lanes off the High Street contain old sandstone houses, red brick and colour-washed cottages, mature trees and stone walls. The parish Church of St George the Martyr stands roughly midway along High Street, at the highest point in the conservation area, and is visible from many parts of Wootton and from many areas outside the village.

The surrounding churchyard contains several fine yews. The High Street contains many of the older buildings in Wootton. The approach to the village from the north end of High Street rapidly narrows into the main village street and runs downhill between distinctive raised pavements to the crossroads at the centre. The area round the crossroads is the commercial hub of the village.

Architecturally, Church Hill is an attractive street, by virtue of its slope, narrowness and curve, and by the scale and character of its buildings. These consist mainly of small stone or colour-washed cottages and are dominated by the church and the former rectory (now Old Rectory Mews).

In Green Lane, the 18th century stone farm buildings and cottages on the southern side contrast with 1950s semi-detached houses opposite. On the western side of Green Lane is the Recreation Ground, a small triangular green, one of the few open spaces in the old village. Further along the road, broadens and narrows periodically, with two small islands of green at the junctions with Church Hill and Sunnyside.

Sunnyside is flanked by high stone walls for much of its length and most buildings are set well back from the roadway. The area contains several groups of mature trees. These are mainly in the well-established gardens of the older properties, notably at the church. Many trees in the village are fully mature or aging, and a replacement programme which establishes new trees well before the time of felling will benefit the conservation area.

Historical Background

Listed as “Witone” in the Domesday book, probably from the Anglo-Saxon for settlement in or by a wood. Wootton has had a long and untroubled history as a small farming community adjacent to the main route from Northampton to London. The route through the village to the royal hunting grounds at Salecy Forest must also have been of importance when the monarch was staying at Northampton Castle. The manorial rights in the village were generally split between two or more families from other villages, although there was a manor house in medieval times opposite the church (Farm Close).

Wootton occupies a favourable southern slope in fertile farmland. The central part of the village, bounded by High Street, Sunnyside and Green Lane appears to be constructed on a mound, possibly artificial. This mound is split by Church Lane, possibly reflecting the division of the Domesday settlement between two ownerships. Reference to a “Parson of Wootton” in 1150 suggests the existence of a church before the 13th century. Church of St George the Martyr was built, and the tower of the present church shows evidence of being a survival from an earlier structure.

The proximity of Wootton to Northampton, coupled with good communications, has made it an attractive place to live and recent years have seen the ever-expanding urban area of the town creep round to encompass the old village.

A school was established in the village in 1838, at 34 High Street. This was replaced by the present school in 1872. Water came from wells in Water Lane, the bottom of Church Hill, and corner of Quinton Road. Piped water and sewerage only arrived in Wootton in 1946. Gas arrived in 1921. The villagers’ reluctance to adopt the Gregorian calendar in 1752 led to St George’s Day being celebrated in the village on May 4th up until the 1930s.
From: Jenny Ballinger
To: Nicky Toon
Ref: Ref N/2013/0338
Date 18th September 2013

Land to the east of Hardingstone north of Newport Pagnell Road
Outline planning application for 1000 houses, local centre etc

Site / Context
The proposed site lies to the south and east of the Hardingstone Conservation Area.

Historic OS maps
The area is shown as an open area on all historic OS maps.

Relevant Policy, Guidance & Duties
Section 72 of Planning (Listed building and Conservation Areas) Act 1990
National Planning Policy Framework
Northampton Local Plan Saved Policy E26
Hardingstone Conservation Area Appraisal

Key Issues
The key issue is whether the proposed development preserves or enhances the character and appearance of the Hardingstone Conservation Area.

Analysis/Evaluation
A Design and Access Statement accompanies the application. The Statement has a section on Cultural Heritage which identifies that there are 34 listed building and a conservation area in close proximity to the proposed site. The conclusion states ‘The assessment concludes that there would be a neutral effect on listed buildings. All known archaeology on the site will have already been mitigated prior to, or during, the construction phase’. There is no real impact on the settings of the listed buildings.

The conclusion doesn’t refer to the Hardingstone Conservation Area which is immediately to the north west of the proposed development area. The Hardingstone Conservation Area Appraisal identifies the land immediately to the east of the conservation area as making a significant contribution to the setting ‘The area behind Pittam’s Farmhouse (No 17 The Green) is an important part of the setting of this part of the conservation area and provides significant views into the ranges of traditional farm buildings which form Pittam’s Farm’ and ‘From Pittam’s Farmhouse the land falls to the south east, and giving good views of this farm complex and the wider agricultural context within which Hardingstone has become established. The land here is of some historic interest as a warren supplying rabbit meat in the mediaeval period, then (much later) being used as a quarry. A stone barn has recently been replaced by modern farm buildings. This area is a significant part of the wider setting of the village and accessible by public footpath’. This appears to refer
to the area immediately to the east of the conservation area and not the wider area to the south, which forms the proposed development site.

The natural lie of the land and the location of Brackmills Wood provide a natural buffer zone between the development site and conservation area. There would be concerns if development were proposed to the north of the proposed site, but there are no significant negative impact on the setting of the Hardingstone Conservation Area with the existing proposed development.

**Recommendation**
No objections

Jenny Ballinger  
Planning Officer (Conservation)
Dear Sir

APPLICATION NO: N/2013/0338

PROPOSAL: Outline Planning Application For The Development Of A Sustainable Urban Extension To Include Up To 1,000 Dwellings (Class C3); Local Centre Up To 1,320 Sqm Net Floor Space Of Retail, Professional And Financial Services, Restaurant/Cafes (Classes A1, A2)

LOCATION: Land To The East Of Hardingstone North Of Newport Pagnell Road Northamptonshire.

Thank you for your consultation requesting comments with regard to the submitted EIA.

The Cultural Heritage section identifies that a number of intrusive and non intrusive studies have been undertaken within the application area. The studies have provided sufficient information in which to assess the archaeological potential of the development area. In light of the evaluation works undertaken it is true to say, section 6.2.31, that I did advise that no further evaluation was necessary to accompany the EIA. However I was clear in my response to the EIA scoping to (12/7001/SCOWNN) that further investigation will be required in advance of development.

I am however concerned that Section 6.5 Mitigation; appears to suggest that the evaluation has negated the need for any further mitigation. This is incorrect as the evaluation has identified areas of archaeological activity which will require mitigation in advance of construction. I would also question the proposition that ploughing has reduced the potential impact on the Bronze Age funerary complex to negligible. Ploughing may have reduced the survival but there is still potential for some survival. The baseline studies have also indicated that the development area may have potential for early medieval activity. The results from the geophysical survey and trenching were a little disappointing however Saxon activity can be illusive as demonstrated at Grange Park where fieldwalking and trenching did not identify Saxon activity which was only identified during open area excavation.
The groundworks, construction and other ancillary works will also require appropriate archaeological investigation. 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 your model condition for an archaeological programme of works as per para 141 of NPPF to any permission granted in respect of this application.**

I will be happy to provide a brief for the required works.

Yours Sincerely,

Lesley-Ann Mather  
County Archaeological Advisor  
Planning Services
APPENDIX 5
Letter from Hardingstone Parish Council of 24th May 2015
Dear Mr Clegg

Statement for the Inquiry - Planning Application APP/2825/A/14/ 2228866
Brackmills/Hardingstone SUE.

Hardingstone Parish Council (HPC) is opposed to the above planning appeal by the Homes & Counties Agency (HCA) for the development of 1000 houses on land of Hardingstone.

The HPC and residents of Hardingstone are concerned at the affect that this size development will have on our community environment and welfare. Our concerns and reasons have been documented and stated in 4 letters to Northampton Borough Council (NBC) with copies to the Inspectorate, local MPs and our County Council representatives.

All Evidence will be forwarded and numbered to the relevant sections by post.

At the Inquiry in June 2015 the Parish Council will voice the concerns of the Hardingstone residents by pointing out the following:

- **Character of the Village Community**

Under the localism act, the residents of Hardingstone have demonstrated their opposition to this application to develop the last remaining agricultural land in the Parish of Hardingstone.

Evidence - over 1200 objection letters sent to NBC
To increase the size of our Parish by 100% will not only ruin the character of the community but ensure a social divide between the existing Hardingstone and the proposed development area. It will be impossible to successfully integrate this size of development into the Parish character, community, atmosphere and facilities. Hardingstone already has a thriving community with numerous social clubs and events. Logistically these activities and clubs could not support large additional membership numbers. The development will be forced to act independently further driving a wedge between each area of the Parish.

- **Local Traffic**

Village roads are already busy and often obstructed with residents, school and business parking. There are regular problems with access for the Buses. To expect the village roads to cope with the additional traffic attending any of the local facilities, post office, Church, schools, social or Parish meetings or using the roads as a rat run to avoid the Newport Pagnell Road would cause gridlock.

- **Democracy**

The Joint Core Strategy process – the undemocratic vote forced through by a chairs action followed by the NBC and County Council (CC) resolution to adopt with the exclusion of N5 & N6. The loss of public faith in the Localism Act and democracy.

Best Regards
Councillor Dee Kelk (Chair)
On Behalf Of Hardingstone Parish Council
in the absence of the Parish Clerk.
APPENDIX 6
Letter from Hardingstone Parish Council of 27th January 2015
Mr Alan Ridley
The Planning Inspectorate
Room 3/26 Hawk Wing
Temple Quay House
Bristol
BS1 6PN.

Dear Mr Ridley

Hardingstone Parish Council (HPC) fully supports Northampton Borough Council’s (NBC) unanimous vote taken on 19th January 2015 to adopt the Joint Core Strategy Part One Local Plan with exceptions of N5 and N6 (Hardingstone and Collingtree SUES). It highlighted that the transport model used by the Northamptonshire County Council (NCC) was old and at the outset was not designed to cover such a long period or the volume of the proposed developments. This was a concern to NBC as it significantly underestimated the wider impact and associated infrastructure needed to mitigate the effects of the developments. NBC was absolutely right to reject the proposal N/2013/0338 for this unsustainable urban development on open countryside, supported only by B roads and inadequate infrastructure.

Hardingstone Parish Council’s reasons are listed below:

Traffic

The Parish Council are particularly concerned about the impact on the road infrastructure from this development. Congestion on the local roads in the immediate area is already severe. Newport Pagnell Road is only a B road with no capacity for upgrading, and Hardingstone’s roads will be targets for rat-runs to the A45.

- Traffic modelling by the applicant was restricted to selected junctions, and did not include a 1.3 km section of the Newport Pagnell Road from the Warren to the Queen Eleanor roundabout. This is a crucial omission as it has B junctions and is the major route for traffic from Hardingstone, Wootton and Wootton Fields, and in addition it provides access to the Girls High School, Waitrose Super Market, The Garden Centre and the Premier Inn.

- The projected traffic flow figures for this section in 2026, based on data provided by the County Council indicate that this part of Newport Pagnell...
Road will be over capacity by at least 21%. The ensuing congestion will result in drivers using unsuitable Hardingstone Village streets as short cuts. This is a flaw in the applicant’s traffic assessment.

- The Northampton Growth Management Scheme will not deal with the fundamental congestion issues on the A45 i.e. lack of link capacity.
- The modelling for the Queen Eleanor Interchange has produced results which are not consistent with observation, indicating the complexity of this junction and the difficulty in providing accurate projections.

The applicant uses the 2001 Census Journey to Work figures to assume a similar demographic of residence and employment within the ward; however it is unlikely that employment expansion will match proposed residential expansion, so the number of residents commuting outside the immediate area is likely to grow. This would put greater pressure on the Newport Pagnell B526 Road, Queen Eleanor and Wootton Fields interchanges. No secondary school or on-site medical facilities are to be provided. Sport facilities are to be funded off site. These factors will put further pressure on the local roads.

Since the application was submitted, further development along the Newport Pagnell Road has already increased the amount of traffic congestion:

- 58 houses Scholars Place;
- Waitrose supermarket;
- Development at St George’s Fields, part of a 300 house development on the Newport Pagnell Road (approved by South Northants)
- Re-development of the Newport Pagnell Road garage site – 6/7 detached houses

Further planning applications that have been received or completed within the vicinity and that will compound traffic congestion are:

- Prologis Warehouse on the Wootton Interchange
- Howden’s application for the largest warehouse in Europe on Junction 15
- Proposal for new Secondary School at Wootton Hall Park on the Queen Eleanor Interchange
- The application for a further 1000 houses at Collingtree Park.

We therefore judge that the application underestimated the impact of the proposal on the local and regional roads, and a more realistic assessment is that the impact would be severe, and unsustainable

**Impact on Landscape and Character**

- The Parish Council is concerned about the impact of the proposed development on the environment, character and landscape of the site and Hardingstone. Accordingly, we commissioned Lockhart Garratt Ltd to complete an appraisal of the appellant’s Environmental Impact Assessment. (Planning Application Critical Landscape Appraisal Land South of Brackmills, Northampton, Ref 13-2259/3274/D01, 04 January 2014. Copy attached).
• The application provides inadequate mitigation for the highly sensitive skyline which is protected by Local Plan policy E7. It does not pay sufficient consideration to the site’s high landscape and visual sensitivity. (Lockhart Garratt Ltd, Planning Application Critical Landscape Appraisal Land South of Brackmills, Northampton, Ref 13-2259/3274/D01, 04 January 2014, paragraphs 3.2.2 and 3.2.4, p.6)

• The application claims that the character of the land is strongly influenced by urban settlement. This is not the case:
  o As the Parish Council, we can confirm that the character of Hardington remains that of a village, not an urban settlement, and that the site provides a very positive setting to the village.
  o We believe that the size of the development, doubling the size of the village, would adversely affect the character of the village, and put unsustainable pressure on the infrastructure.
  o The Lockhart Garratt Ltd appraisal finds the site currently to be representative of the Local Character Area, with arable use and hedgerow features, and surrounded by natural features on 2 sides (Lockhart Garratt Ltd, paragraphs 3.2.8 and 3.2.9, p.7)
  o The site is adjacent to the Hardington Conservation Area. The conservation area’s appraisal states that the conservation area has the character of a village, and that the part of the conservation area immediately adjacent to the development site is an important part of that setting (Hardington Conservation Area Appraisal, p.2 and p.9).

• The application proposed houses with an urban design style, which does not integrate with the traditional character of Hardington, nor with the suburban style of Wootten Fields (Lockhart Garratt Ltd, paragraph 2.2.6, p.5)

• The appellant claims that their proposal will provide 9.98 hectares of green infrastructure. However, c.30 hectares of open space would be lost, and this would have an enormous impact on the character of the site and Hardington village. The appellant’s c.10 hectares of open space would have a completely different character to the agricultural fields that they would replace (Lockhart Garratt Ltd, paragraph 3.2.11, p.7). It would clearly have a negative impact on the setting and character of the village.

• Replacing the agricultural fields with urban development and urban green spaces would have a negative impact on the views into and out of the conservation area. The importance of these views was confirmed at an appeal against development behind Pittam’s Farm, just to the North of this site (APP/V2825/A/97/282945).

Planning Policy

• The Parish Council believes the application contravenes policies E1, E6, E7 from the Northampton Local Plan. The appellant claims that the Local Plan policies are out of date, and that the Joint Core Strategy should have been given more weight. However,
  o Policies E1, E6 and E7 were saved by the Secretary of State for Communities and Local Government in 2007.
  o Northampton Borough Council planning department carried out an assessment using the Planning Advisory Service Self-Assessment Checklist in May 2014. They found policies E1, E6 and E7 to be consistent with the ethos of the NPPF (The Impact of emerging plan policy in determining planning
Hardingstone Parish Council do not disagree that as a society that we do need more houses but you **cannot** deliver the infrastructure or traffic solutions to sustain a development of this size in this area. Hardingstone Parish Council therefore strongly oppose the Appeal APP/V2825/A/14/2228866

Kind regards

Mrs Tina L Charteress
Clerk, Hardingstone Parish Council
APPENDIX 7
Minutes of the Extraordinary Meeting of HARDINGSTONE PARISH COUNCIL
held on Friday 3rd January 2014, in the Parish Room, Hardingstone

Present: Chairman Cllr G Greaves, Cllr R Milne, Cllr S Barton, Cllr D Cooper, Cllr K Barton, Cllr J Bolton, Cllr D Adams, Cllr C Greaves & Cllr J Kerr

Also present: The Parish Clerk, Mrs T Charteress, Borough Councillors J Nunn & M Hill and approximately 8 Members of the Public.

001/14 Apologies were received and accepted from Cllr J Kerr & Cllr G Crowe. Apologies were also received from County Cllr Phil Larratt.

002/14 Public Time
The Chairman invited the public to speak.
No members of the public spoke.

003/14 Disclosure of interests in items on the agenda: There were no disclosures of interest.

004/14 To consider recommendations from Stage One of the Landscape Critical Assessment and to consider any budget recommendations.
The Chairman explained that this piece of work was commissioned by the Parish Council and Cllrs needed to determine whether any further work was needed. The initial work showed that there is nothing within the Landscape Assessments to object against. The Chairman stated that Lockhard Garratt could put together a form of words to assist the Parish Council in putting together a letter which won't challenge the development but will help the Parish Council and Hardingstone Village get the best possible outcome from the development.

Following a lengthy discussion in which standing orders were suspended to allow a local resident and Borough Cllr Michael Hill to comment; Cllr K Barton proposed that Lockhard Goddard be commissioned to put together a form of words costing £350.00 to help obtain the best possible outcome for the development. The proposal was seconded by Cllr D Adams and the vote was unanimously in favour of the proposal.

Members RESOLVED: to commission Lockhard Garratt to put together a form of words costing £350.00 to help obtain the best possible outcome for the development.

005/14 To receive an update on the traffic assessment from Mr I Brazier and to consider any further action.
The Chairman suspended standing orders and invited Mr I Brazier to speak.

Mr Ian Brazier stated that since he attended the last Parish Council meeting he has had a meeting with the Highways consultant. Mr Brazier also stated he had managed to speak to the highways agency about the NGMS scheme and he commented they were vague as to the timing of the scheme. Mr Brazier has also looked at the trip distribution to see whether vehicles will go through Brackmills or not. It suggests that 50% of traffic will be going to Brackmills & 50% onto the Newport Pagnell Road. This information was being based on a census.
Mr Brazier told the meeting that the revised traffic report was not yet on the website which suggested the application would not be heard at the January planning Committee meeting. The Clerk was asked to obtain a copy of the report as soon as possible.

006/14 To consider any next steps regarding the Brackmills SUE planning application objection and to decide who will represent the Parish Council at NBC’s Planning Committee.
The Chairman asked the meeting if there is anything else the Parish Council can do to object to this application. Cllr K Barton said we have 6 weeks to object to the Joint Core Strategy and detailed that if we do want to object to it we have to say the document is unsound and how, why, and which point is unsound. Cllr K Barton said he hasn’t got the expertise to write such a letter.
The Chairman suggested speaking to Great Houghton and collaborating with them. Cllr K Barton volunteered to speak with Great Houghton to discuss any next steps.
The Chairman said we will put together a final further objection letter including Mr Brazier’s comments and the Landscape Critical Assessment information. Then a decision will need to be made to see who is going to object on behalf of the Parish Council. The Clerk was asked to communicate with all parties including Andrea Leadsom. The aim is to try to establish who will be speaking at the Planning Committee and to try and avoid duplication.
Mr Ian Brazier suggested looking at sustainability and infrastructure i.e. schools. He also suggested looking at whether the funding has been offered for a doctor’s surgery. Parish Councillor Dave Cooper volunteered to contact the local health authority to find out if the provision is in place.

007/14 To consider a response to Planning application N/2013/1181 – development of land south of Bedford Road off Liliput Road.
Cllr K Barton advised the meeting that the above application is a scoping document which will impact on the Bedford Road. Great Houghton Parish Council have objected to this application and Cllr K Barton proposed that Hardingstone Parish Council send a letter of objection to NBC. The proposal was seconded by Cllr J Bolton and the vote was unanimously in favour of the proposal.

Members RESOLVED: to send a letter of objection to NBC regarding planning application N/2013/1181.
The Chairman closed the meeting at 19.27pm.

Date of next meeting:
To be held on Tuesday 14th January 2014 at 7.30pm in the Parish Room.

____________________________      __________________________
Signed         Date
APPENDIX 8
Statement to the Inquiry from Hardingstone Action Group (Kate Servant)
Hardingstone Action Group statement on sustainability for APP/V2825/A/14/2228866 SUE on Land to the East of Hardingstone

Kate Servant

1 Introduction
1.1 Hardingstone Action Group will speak about the sustainability of the appeal site in its current use, and the impact on sustainability of the proposed development. This will be placed within the context of national and local planning policies.

2 Social sustainability
2.1 The site of the proposed development is currently easily accessible to the public through the footpath running across the site, giving existing residents, visitors and Brackmills workers easy access to this emphatically rural landscape. The appellant argues that public access to the site is currently poor because it is limited to the footpath, but access is not limited to just the earth you can tread on. Walking along this footpath people can see, smell and hear the rural environment across almost the entire site.

2.2 The land is very different in character to the parkland provided by the adjacent Brackmills Wood: this is an open, agricultural landscape providing supporting habitat to a different set of species. Brackmills Wood, as the name suggests, is wooded and highly landscaped.

2.3 The appellant argues that the development of this land would provide c.10 hectares of open space, accessible to the public and benefiting current as well as new residents. However, they do not mention:
   - the net loss of c.35 hectares of valued open land; nor
   - the reduction in variety of open spaces and linked educational experience, with the total loss of the open agricultural fields and replacement with road verges, play areas and small wooded areas, all of which are already plentiful in the area; nor
   - the removal of the very reason for accessing the land, and therefore the lost associated health benefits of exercise. Under the current usage, walkers use the site to experience the countryside. Under the proposed usage, who will seek out an urbanised pavement passing through a housing estate to end abruptly at a traffic-saturated road? New residents may do so when accessing the local centre, but access to the countryside will have been removed for both new and existing residents.

2.4 The proposed development would not meet the required level of social housing (currently only 24% proposed rather than the required 35%), nor the locally assessed requirement for open spaces (30% less than required by Parks and Open Spaces Strategy for Northampton).

Policy Context
National Planning Policy Framework (NPPF):
- Policy 74 – protection for open space
- Policy 75 – protection and enhancement of rights of way

West Northamptonshire Joint Core Strategy (JCS):
- Policy RC2 – protection for open space and its long term maintenance
3 Environmental sustainability

3.1 The fields form the visual and historic backdrop to Hardingstone village and conservation area, and the footpath may (according to village folklore) be the continuation of the Roman ‘Portway’ road to London. The fields are visible from Heritage Farm Close at the south east corner of the conservation area; from along the length of the public footpath; as glimpses through the strategic green openings along the Warren; and in swathes of rolling landscape from the Newport Pagnell Road. These fields are particularly valued because they are Hardingstone’s last link with its rural heritage of agricultural economy.

3.2 The appellant admits that the development would be visible from these vantage points, but argues that the rural fields already have a strong urban influence. This is simply not the case:

- The undulation of the land hides the modern Wootton Fields development to the south.
- Hardingstone is a village with ironstone cottages and narrow lanes. The Hardingstone Conservation Area assessment states that the conservation area has the character of a village, and that the part of the conservation area immediately adjacent to the development site is an important part of that setting (Hardingstone Conservation Area Appraisal, p.2 and p.9).
- It is difficult to see how the fields could appear more rural.

The appellant compounds the mistake by insisting on a strongly urban design style for the development area closest to Hardingstone.

3.3 The appellant also admits that the most urban part of the development would be visible from Hardingstone Conservation Area, and offers only a small area of amenity land and a few trees in mitigation to screen the development. This significantly underestimates the requirement to protect and enhance the character of the conservation area. The total loss of the conservation area’s visual and historic hinterland would have a severely negative impact, regardless of any screening by a buffer which provides no connection with Hardingstone’s distinctive character or history. The importance of agricultural views both into and out of the conservation area was confirmed at appeal for the site immediately to the north of this site, between Pittam’s Farm and Brackmills Wood (APP/V2825/A/97/282945). That appeal was rejected.

3.4 The fields were classified as ‘greenspace’ in the Northampton Local Plan (1997), preventing the coalescence of Brackmills Industrial Estate with Hardingstone and Wootton. The maintenance of settlement boundaries to prevent coalescence and urban sprawl remains a valid planning concern, and in this case the greenspace also forms a valuable part of a wider greenway leading from Northampton through Delapre Abbey parkland and out through our fields and Brackmills Woods to open countryside, and Salcey Forest beyond. This development would in-fill the buffer, isolating Hardingstone village as an island within a sea of discordant urban development, and forming a concrete plug to the greenway. The allocation of c.10 hectares of open space within the new development could not compensate for the loss of 35 hectares.

3.5 As open fields, the site currently provides environmental habitat for endangered birds including skylarks, fieldfares and lapwings. This is particularly significant habitat as it supports the Upper Nene Gravel Pits RAMSAR /site. The original application assessed the risk to species from the RAMSAR site as low and not needing further surveys, but whilst Natural England agreed with this assessment at that time, they advised “this issue may need to be reconsidered if a significant period of time, i.e. 1 to 2 years, elapses before the submission of a planning application for the land” (letter dated 9 January 2012 from Natural England, Appendix D of
Wootton, Northampton – Extended Phase 1 Habitat Survey February 2012, submitted with original planning application. As it is now well over 3 years from the date of the letter, and significant development has begun in the fields to the south of the site which were found to provide alternative habitat, the situation could well have changed and should be reviewed.

Policy Context

NPPF:
- Policy 118 – wildlife conservation and biodiversity
- Policies 126, 131 etc. – good design appropriate to local styles and protective of heritage assets and their settings

Natural Environment White Paper (2011) – reconnecting people with nature

JCS:
- S10 protection, conservation and enhancement of built & natural environment, and heritage assets
- BN5 – protection of heritage assets, settings and landscapes; importance of locally distinctive design styles
- SA Addendum

Northampton Landscape Sensitivity and Green Infrastructure Study (2009)


4 Economic Sustainability

4.1 The fields are currently in agricultural use, an economically productive use which is complementary to the social and environmental functions outlined above. The WNJPU Sustainability Appraisal found the land to be agricultural grade 2 and 3, and its loss would be a negative impact.

4.2 The appellant argues that the development would provide jobs, but the number of permanent jobs is negligible compared to the number of households that it would create in need of work.

4.3 The impact on an already unsustainably congested traffic network would have a significantly adverse impact on the local economy. The proposed public transport, ending in the early evening, would not provide sufficient coverage to compensate.

Policy Context

NPPF:
- Policy 32 – sustainable transport plans
- Policy 112 – direct development away from high quality agricultural land

5 Conclusion

5.1 The development site was included as a potential site for a sustainable urban extension in the JCS. However, the initial assessments for the JCS were considered by the Planning Inspectorate to be inadequate. The new SA was produced under such time pressure that an extension was
needed to complete it and, as a result, there was little opportunity to respond to community feedback before the final Hearing, or before this planning application was considered.

5.2 The planning application was an opportunity to assess the sustainability of the proposal in detail, and Northampton Borough Council’s locally knowledgeable, elected representatives concluded that the proposal was not sustainable.

5.3 As we have argued above, the further evidence provided in the appeal does not disprove the conclusion that the development proposal is unsustainable, and the appeal should therefore be rejected.
APPENDIX 9
The Character of Hardingstone, Adrian Bell, Hardingstone Action Group
Dear Nicky,

Please find enclosed my exposition on the Character of Hardingstone.

I know that Alan Pease was attempting to send you this electronically but I understand he was having trouble with his e-mailing so I thought I would send you this paper copy just to be sure. I apologise if you have received it already but it’s better to err on the cautious, given the importance of it all!

I hope it will prove of use and effect at the Inquiry. I should be grateful if you would ascertain if Alan Ridley has received his electronic copy and if not, send him one.

Thank you. I have been sent notification of the Pre-Inquiry meeting and am hoping to attend.

Best wishes,

Chairman, H.A.G.

Adrian Bell
1 Character of Hardingstone

"Hardingstone was incorporated into the borough of Northampton when changes were made to Local Government Boundaries in 1974, but it remains a separate entity from the town and retains the character of a village"

Page 2 of the Conservation Area Appraisal and Management Plan February 2009

Hardingstone retains its rural, village character in many ways, none more crucial than by the continuing existence of these very fields which are the subject of this Inquiry. These fields are precisely that: fields. They grow crops every year, either oil-seed-rape or wheat. A contribution to the agricultural economy and a constant reminder – particularly at this time of year with the vast expanse of fresh green – of the rural, farming character of Hardingstone.

These fields are doubly important to the character of Hardingstone because they give onto the open country-side beyond. Whilst over the years development has encroached on other sides of Hardingstone, this edge is open, productive farmland with sight-lines going on across continuous fields as far as Salcey Forest. The sight-line in reverse when approaching from this south-east openness leaves no doubt of the rural setting and character of Hardingstone. The track-way across the fields, itself a continuation of the ancient Port Way coming up to Hardingstone from Northampton, descends into clustered stone buildings and barns, nestled on the slope of the valley-side, with spectacular panoramas across the valley to Northampton, and again down the valley towards open country.

As well as maintaining the rural nature of the local environment, which is of vital benefit to Northampton also as a green corridor running out from Becket’s Park through Delapre Park and the historic battle-field to this rural edge, these fields with the track-way across are invaluable for physical exercise and mental recreation of residents.

The still-remaining village character of Hardingstone is everywhere apparent. Its roads are mostly narrow, twisting lanes, some yet lined by grass verges. The central focus is the mediaeval church, begun in the 14th Century with its distinctly country-churchyard, opposite a barnyard with buildings going back to the early 18th Century, where pet-food and agricultural requisites are for sale.

A substantial amount of the cottages and houses in the main part of Hardingstone are built of classic Northamptonshire iron-stone, and form attractive prospects of rural tradition, whether viewed individually or as runs in their settings lining the lanes; a proportion are Listed Buildings. Some are large and speak of rural affluence; some are the smaller, thatched dwellings of generations of farm-labourers.
Many are grouped around the village-green, with its big
farm-houses and farm-tracks, and green verges. In the centre
of this is the War Memorial, set within a triangle of gravel
paths and flower-beds. Many of the names recorded upon it
are of men whose lives had been spent working on the Delapre
Estate, like those of generations before them, who left the
fields of Hardingstone only to die on the Western Front. The
rural continuity is preserved by residents who either remember
the last of the Bouveries or had parents who worked for them.
As the estate-village, for centuries Hardingstone provided so
many who worked within the country-seat of Delapre Abbey (Grade
2* Listed Building) or on the estate.

Although mentioned in Domesday, and indeed there being
archaeological remains of Roman and Iron Age Settlement,
most of the identity and nature of Hardingstone has come into
being as a result of functioning as the estate-village for
Delapre Park ever since the Dissolution. On one side of the
village-green is a terraced row built to accommodate estate-
workers; in Back Lane there is the early nineteenth-century
house built as over-flow accommodation for guests at the Abbey.
Throughout Hardingstone there are trees planted by the
Bouveries, remnants of estate walling and connected buildings
including the farms and the village-school that was given by
General Bouverie. On the Green is the iron-stone house
occupied for many years by Mary the last of the Bouveries; the
churchyard with its many fine trees including a venerable
avenue of yews, has the mausoleum of the Bouveries and inside
the church are plagues to members of the family. All this
abundant local historical character has given rise to
Hardingstone's own Historical Society, just one of a dozen
parish organisations.

With all this evidence of history and tradition, of farming
context and rural setting, the heart of Hardingstone where the
ironstone cottages and farms are concentrated, has been rightly
designated a Conservation Area. This Conservation Area gives
onto the fields under threat, with sight-lines going out to
the fields and from them into the Conservation Area. These
fields are an essential rural setting for the Conservation
Area that is such an identifying characteristic of Hardingstone.
If these fields were to disappear under an urban sprawl the same
size as Hardingstone, sealing it in along that still-rural edge,
that identity and character would be utterly annihilated.

Adrian Bell
Chairman, Hardingstone
Action Group
Character of Hardingstone.

“Hardingstone was incorporated into the Borough of Northampton when changes were made to local government boundaries in 1974, but it remains a separate entity from the town, and retains the character of a village.” (Page 2 of the Conservation Area Appraisal and Management Plan 2009)

Hardingstone retains its rural, village character in many ways, none more crucial than by the continuing existence of the very fields which are the subject of this Inquiry. These fields are precisely that: fields. They grow crops every year, either oil-seed rape or wheat. A contribution to the agricultural economy and constant reminder – particularly at this time of year with the vast expanse of fresh green – of the rural, farming character of Hardingstone.

These fields are doubly important to the character of Hardingstone because they give on to the open countryside beyond. Whilst over the years development has encroached on other sides of Hardingstone, this edge is open productive farmland with sight-lines going on across continuous fields as far as Salcey Forest. The sight-line in reverse when approaching from this south-east openness leaves no doubt of the rural setting and character of Hardingstone. The track-way across the fields, itself a continuation of the ancient Portway coming up to Hardingstone from Northampton, descends into clustered stone buildings and barns, nestled on the slope of the valley-side, with spectacular panoramas across the Nene valley to Northampton, and again down the valley towards open country.

As well as maintaining the rural nature of the local environment, which is of vital benefit to Northampton, the fields also act as a green corridor running out from Beckett’s Park through Delapre Park and the historic battlefield to this rural edge. These fields with the track-way across them are invaluable for physical exercise and mental recreation of residents.

The still-remaining village character of Hardingstone is everywhere apparent. Its roads are mostly narrow, twisting lanes, some yet lined by grass verges. The mediaeval church, begun in the 14th century with its distinctly country churchyard, opposite a farmyard with buildings going back to the 18th century, where pet food and agricultural requisites are for sale.

A substantial amount of the cottages and houses in the main part of Hardingstone are built of classic Northamptonshire iron-stone, and form attractive prospects of rural tradition, whether viewed individually or as runs in their settings lining the lanes; a proportion of which are Listed Buildings. Some are large and speak of rural affluence; some are the smaller thatched dwellings of generations of farm labourers. Many are grouped around the village-green, with its big farmhouses and farm tracks, and green verges. In the centre of this stands the War Memorial, set within a triangle of gravel paths and flower beds. Many of the names recorded upon it are of men whose lives had been spent working on the Delapre...
Estate, like generations before them, who left the fields of Hardingstone only to die on the Western Front. The rural continuity is preserved by residents who either remember the last of the Bouveries or had parents who worked for them. As the estate-village, Hardingstone for centuries provided so many who worked within the country-seat of Delapre Abbey, a Grade 2* listed building, or on the estate.

Although mentioned in Domesday, and indeed there being archaeological remains of Roman and Iron Age settlement, most of the identity and nature of Hardingstone has come into being as a result of functioning as the estate-village for Delapre Park, ever since the Dissolution. On one side of the village green is a terraced row built to house estate-workers; in Back Lane there is the early 19th century house built as overflow accommodation for guests at the Abbey. Throughout Hardingstone there are trees planted by the Bouveries, remnants of estate walling, and connected buildings, including the farms and the village school that was given by General Bouverie. On The Green is the iron-stone house occupied for many years by Mary, the last of the local family; the churchyard with its many fine trees including a venerable avenue of yews, has the mausoleum of the Bouveries and inside the church are plaques to members of the family. All this abundant local historical character has given rise to Hardingstone’s own Historical Society, just one of a dozen parish organisations.

With all this evidence of history and tradition, of farming context and rural setting, the heart of Hardingstone where the ironstone cottages and farms are concentrated has been rightly designated a Conservation Area. This Conservation Area gives onto the fields under threat, with sight-lines going out to the fields and back from them to the Conservation Area. These fields are an essential rural setting for the Conservation Area that is such an identifying characteristic of Hardingstone. If this appeal was to be successful, these fields would disappear under an urban sprawl the same size as Hardingstone itself, attached instantly to that organically evolved community, with the utter extinction of all its accumulated character.

Adrian Bell.

Chairman, Hardingstone Action Group.
APPENDIX 10
Heritage Rep Letter, Hardingstone Action Group
Ms Nicky Toon  
Planning Department  
The Guildhall  
Northampton Borough Council  
Northampton  
NN1 1DE

Dear Miss Toon,

I would like to register my objection to the application for a development of 1,000 houses on the fields behind Hardingstone (N/2013/0338). The development would seriously harm several heritage assets:

- Hardingstone Conservation Area is adjacent to the site, and the fields are an important part of its visual and historical setting (see Hardingstone Conservation Area Appraisal and Management Plan, p12). The applicant’s proposal to screen the development would not compensate for the loss of setting.

- Hardingstone is itself the estate village of the Grade II* listed Delapre Abbey, which increases its historical value. Doubling its size overnight would destroy the village’s character.

- Research has identified archaeological material from the Bronze Age and the Iron Age at the site, and identified the possibility of Roman and Saxon activity. This needs further investigation and protection.

- The public footpath crossing the site is in fact a medieval roadway to London. Tarmacing it over as a housing estate road would obliterate its historical value.

The Northampton Landscape Sensitivity and Green Infrastructure assessed the site to have medium cultural heritage sensitivity, with significant constraints to development. As you know, planning law requires protection for heritage assets and their settings:

- National Planning and Policy Framework (paragraphs 126-141 inc. 139 covering non-designated assets).


- Northampton Local Plan – saved policies E1 and E38. Relevance to this area was confirmed at appeal by the Planning Inspectorate in case 95/0745, APP/V2825/A/97/282945.

As the proposal would significantly harm multiple heritage assets, and does not mitigate the harm, the planning application should be refused.

Yours Sincerely

Name:

Address:
APPENDIX 11

Extract from the Plan of the Estate of the Hon Edward Bouverie in the Parish of Hardingstone in the County of Northampton, 1767
1 Extract from the ‘Plan of the Estate of the Hon. Edward Bouverie in the Parish of Hardingstone in the county of Northampton 1767’
APPENDIX 12
Inspector’s Decision and red line area for the Pittam’s Development
The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
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Mr Barry M Waine DipTP MRTPI CMS
Shoosmiths & Harrison Solicitors
Bloxam Court
Corporation Street
RUGBY
Warwickshire
CV21 2DU

Your Ref:
BMW LM GU153JO1
Our Ref:
T/APP/V2825/A/97/282945/P2

Date: 12 MAR 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MESSRS GUINNESS & PITRAMS
APPLICATION NO: 95/0745

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Northampton Borough Council to refuse outline planning permission in respect of an application for residential development (12 dwellings) on land at Hardingham, Northampton. I held a local inquiry into the appeal on 27, 28 and 29 January 1998.

2. The original application was for the construction of 12 dwellings, but this was amended during the application period to 15 dwellings. The application was in outline, with matters of design, external appearance and landscaping reserved for future determination. I have determined your clients' appeal on the same bases.

3. The development plan comprises the Northamptonshire County Structure Plan of 1989, and the Northampton Local Plan adopted in June 1997. The Structure Plan sets out strategic aims for the provision of development land, and in my view the policies of particular relevance in this case are GEN 4, which seeks to permit development provided that it is of a type, scale and design in keeping with the locality, causes no harm to its amenities, and would not have an adverse effect on a conservation area, amongst other matters. Policy ENV 2 sets out general guidelines for development, including that buildings should respect the character of the area, through their layout, siting and design, particularly in conservation areas, and that development should not intrude into the setting of important buildings or prominent views, nor should it involve development of open land within the framework of a settlement which is important to the general character and appearance of the locality.

4. Local Plan Policy E1 seeks to restrict severely any development which would cause harm to the character and structure of the landscape as a result of its siting design and layout. Policy E6 seeks to protect identified greenspace areas, such as the Brackmills Fringe in which the appeal site lies, by preventing development which would prejudice their functions. Policy E26 relates to conservation areas, and aims to permit development which, amongst other things, preserves or enhances their character and appearance. Policy H7 seeks to limit

An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office
residential development outside identified areas, unless it would not be of a scale and density that would harm character of the surrounding area.

5. Parts of the appeal site lie within the Hardingstone Conservation Area, and I have had regard to my general duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

6. From my inspection of the appeal site and its surroundings, and from the representations made at the inquiry and in writing I consider the main issues in this appeal to be the effect of the proposals, first, on the character and appearance of the Hardingstone Conservation Area and the landscape in its vicinity, and second, on the effectiveness of the designated Brackmills Fringe greenspace.

7. The proposed housing scheme would occupy a strip of land along the western side of the appeal site, having an area of approximately 2 hectares. The remainder of the site to the east, having an area of approximately 6 hectares, would become a pocket park for public use. Your clients' scheme would comprise a group of five houses at the northern end of the site, accessible from a new cul-de-sac off Houghton Hill Lane, a central group of four houses to the rear of Dolphin House and Kiln Cottage, accessible from a new access road taken off The Green, and six further houses would disposed along this road. A large part of the sites for the five houses in the northern group would lie within the Conservation Area, as would those of three houses at the southern end, around the new access onto The Green. The remainder of the area proposed for housing development would adjoin the eastern boundary of the Conservation Area.

8. Paragraph 4.14 of Planning Policy Guidance: 'Planning and the Historic Environment' (PPG15) advises that the desirability of preserving or enhancing the (conservation) area should also be a material consideration in handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.

9. The Hardingstone Conservation Area comprises the historic core of the village, which is mainly residential development around The Green and Back Lane. There are several substantial detached houses in large gardens, as well as numerous houses and cottages densely developed along road frontages, particularly along Back Lane and The Green. Many of the houses are of ironstone, with slated or tiled roofs, and a considerable number of houses are listed buildings. The northern and eastern sides of the Conservation Area are largely flanked by open land, falling away from the village relatively steeply - with the golf course to the north and the open fields of the appeal site to the east.

10. There are a number of public footpaths across these open areas, from where I saw that this historic part of the village is highly prominent, presenting quite dramatic views of the village buildings clustered along the upper edge of the hillside. Looking from the east, it is principally the backs of buildings in Back Lane and The Green that are on view, but in my opinion they present a complex and picturesque sight of roofs, gable ends, walls, and gardens. An integral part of this view is the foreground of open green fields, which to my mind define the edge of the village at this point, and are a critically important element in the setting of the Conservation Area. The inclusion of relatively new development within this panorama - notably Baxter Court, and the farmhouse to the south of Dolphin House, appeared to me to be infill within the matrix of earlier village housing, and does not in my view
diminish the importance of the Conservation Area. Nor do I accept the contention made on your clients' behalf that these buildings constitute a modern ring of development separating the historic core of the village from the open countryside.

11. At the northern end of the site the group of five new houses would have ridge levels slightly lower than the modern residential development in Ilex Close on the northern side of Houghton Hill Lane. The Ilex Close buildings are highly prominent from the north and east and are seen against the skyline from a number of viewpoints. Although the roofs of Ivy House and the nearby barn might be visible above the roofs of the new houses from some viewpoints, the older houses would be concealed to a great extent. Given the similarity in ridge heights between the new houses and the Ilex Close development, and the similar alignment of their eastern elevations, in my view the new development would appear very much as a southward continuation of prominent modern development, and would conceal a significant part of the historic village.

12. There would be three houses at the southern end of the appeal site in the gap between The Farm and the relatively modern housing development of The Warren to its south. Public footpath KN6 meets The Green at this point, and there is no doubt in my mind that these houses, and the access road, would be highly prominent features both for users of the footpath approaching from the south-east, and for people looking out from The Green. As a result the view from the Conservation Area over the open countryside to the east would be lost. For users of the footpath, the initial view into the Conservation Area would be largely screened, and the distinction between the historic village to the north and the modern development of The Warren to the south would be destroyed. Your clients' proposal to include a 'village green' at this entrance to the appeal site would, in my opinion, do virtually nothing to mitigate the harm caused.

13. Although there are a number of relatively modern and utilitarian agricultural buildings, which would be removed from the appeal site, it appears to me that these are typically a part of the rural/agricultural scene, which contributes to the distinction between the dense village development to the west and the countryside to the east.

14. These northern and southern groups of houses, together with the remaining three houses along the access road and the group of four to the rear of Dolphin House and Kiln Cottage would constitute a virtually continuous band of development to the east of this part of village. Although there would be views between the main groups of new houses, and across their gardens, as well as very limited views of rooftops behind them, the principal views of the historic village on the edge of the hill would be lost.

15. It was claimed for your clients that the development would be screened from most public viewpoints by the extensive tree planting in the Brackmills Woodland Area to the east and south of the appeal site, and that views from Houghton Hill Lane could also be blocked by planting along the southern boundary of the lane, in the area of the proposed pocket park. The woodland planting is recent, and judgment of its future mature height and density is difficult to make. Nevertheless, it appeared to me that there would still be readily available views of the appeal site and the Conservation Area from the lower footpath for several years to come, and that they would permanently remain visible from the higher level footpaths in the woodland area, as well as from the north-easterly end of footpath KN6. Furthermore, the pocket park would be publicly accessible, providing a greater degree of prominence to the development. Although a landscaping scheme for the pocket park would need to be designed,
I cannot accept that it would be reasonable, or desirable, to plant parts of the park, and its boundary with Houghton Hill Lane, so densely that all views of the appeal site and the Conservation Area would be obscured.

16. There is no doubt that the landscape appraisal carried out on your clients' behalf is a painstaking analysis and comparison of the characteristics of different areas of the appeal site. However, to my mind it does not take adequate account of the importance of this land in providing the setting for the Conservation Area. While improvements might result from removal of derelict and disused agricultural buildings, I do not consider that it is necessary to build houses in order to secure these improvements.

17. Your clients were prepared to enter into a Section 106 Planning Obligation which would have the effect of transferring the eastern area of the appeal site to the Local Authority for use as the pocket park. However, little justification was put forward for the need for such a park - there is clearly an extensive public footpath network around the village, and this will effectively be extended when the footpaths in the Brackmills Woodland Area are adopted by the Council. The land is at present open pasture with trees, hedges and a stream, and although there is no public access, I have already described its importance as the setting for the Conservation Area. The provision of the pocket park would not significantly increase this importance. Overall I do not consider the quality of the proposed development would be enhanced, nor would the development be made acceptable by your clients entering into the proposed Planning Obligation.

18. Notwithstanding the housing layout submitted as a part of the application, if I were to allow the appeal, the layout could be subject to revision by imposition of a suitable planning condition. However, in my view this a very sensitive site, and with the information before me I am not convinced that a scheme for 15 dwellings could be accommodated without causing serious harm. Imposition of such a condition could not therefore overcome the planning problems I have identified.

19. In summary, I consider that the appeal site provides an important element to the Conservation Area and its setting. The proposed development would introduce a virtually continuous band of new development along its eastern edge. This would have the effect of blocking views into and out of the Conservation Area, blurring the distinction between the historic village and more modern development to the north and south, and destroying a significant part of the open pasture land setting. I conclude on the first main issue that the proposals would cause serious harm to the character and appearance of the Hardingstone Conservation Area, and the landscape in its vicinity. The proposals would not accord with Structure Plan Policies GEN 4 and ENV 2, nor with Local Plan Policies E1, E26 and H7. It follows that the character and appearance of the Conservation Area would not be preserved.

20. Turning to the second main issue regarding the greenspace area, its function is identified in the Local Plan as being to provide open space around development, and a buffer between different land uses - in this case between the village of Hardingstone and the Brackmills Business Area to the east and north-east. It was claimed that the area of the appeal site developed for housing would encroach so slightly on the greenspace that there would be no harm to its function. The houses and gardens would occupy a strip some 40-50 metres wide on the western side of the appeal site. This would clearly be a small proportion of the overall area of the Brackmills Fringe greenspace - which is about 350 metres wide at its narrowest point along its boundary with Houghton Hill Lane.
21. However, I do not consider that encroachment is solely a matter of the proportion of the area taken for development. It must also relate to the prominence of the proposals, and their impact on the character of the area as a whole. In this case the warehouses and office buildings of the Brackmills Business Area dominate the views to the east and north-east of the village. The recent approval of another development site to the west of the Brackmills roundabout is likely to increase this prominence. In my opinion in this situation it is of the greatest importance to preserve this relatively narrow neck of land. The appeal proposals would further emphasise the proximity of the business and residential areas, and would diminish the rural character of the intervening land. I conclude on the second main issue that the proposals would cause significant harm to the effectiveness of the designated Brackmills greenspace area. The proposals would not therefore accord with the aims of Policy E6 of the Local Plan.

22. I have considered all other matters before me, including the arguments that officers of the Council had supported the scheme, and that the appeal site has no commercial agricultural value. However, I have determined the appeal in the light of the material considerations, and I do not consider lack of agricultural value diminishes the importance of the land in other respects. Neither these nor any other matters are sufficient to outweigh the considerations that have led me to my decision.

23. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Stephen Brown MA Dip.Arch(Cantab) RIBA
Inspector
APPEARANCES

FOR THE APPELLANTS

Mr Peter Goatley - of Counsel, instructed by Shoosmiths & Harrison Solicitors Bloxam Court Corporation Street Rugby.

He called:

Mr Barry M Waine DipTP MRTP CMS - Chartered Town Planner Shoosmiths & Harrison Solicitors Bloxam Court Corporation Street Rugby.

Mr Michael J Foster BA(Hons) DipLA MLI - Landscape Architect, Associate of Illman Young Landscape Design 6 Tebbit Mews Winchcombe Street Cheltenham.

FOR THE LOCAL PLANNING AUTHORITY

Mrs Linda Amas LLB - Solicitor Head of Legal Services Northampton Borough Council.

She called:

Mr Richard Fox BA(Hons) MCD DMS MRTPI - Head of Development Control Northampton Borough Council.
INTERESTED PERSONS

Mr Jim Lewis
- Chairman
Hardingstone Parish Council.

Mrs Bernadette Bailey
- Hardingstone Parish Council.

Mrs Joanne Roff
- Hardingstone Residents’ Group
12 Back Lane
Hardingstone.

DOCUMENTS

Document 1 (3 no)
- Lists of persons present at the Inquiry on each day.

Document 2 (2 no)

Document 3
- Appendices 1-15 inclusive to Mr Waine’s proof of evidence.

Document 4
- Appendices A-D inclusive to Mr Foster’s proof of evidence.

Document 5
- Appendices 1-11 inclusive to Mr Fox’s proof of evidence.

Document 6 (2 no)

Document 7
- Draft Section 106 Planning Obligation submitted on behalf of the appellants at the Inquiry.

Document 8 (3 no)

Document 9

Document 10
- Note received from Mr Jim Lewis requesting to be heard on the second day of the Inquiry.
- List of proposed conditions.

- Letters of representation from the following persons supporting the proposals:
  
  T B Graham, 12 Hardingstone Lane, Hardingstone
  J W Morris, 2 Windrush Road, Hardingstone.
  Mrs C L Wallington - no address.
  Mr & Mrs G D Wright, Ivy House Cottage, Back Lane, Hardingstone.

  and from the following parties and persons:

  Hardingstone Parish Council.
  The Northamptonshire branch of the CPRE.
  Mrs D M Auden, Dolphin House, 2 Back Lane, Hardingstone.
  A G S Bullen, 7 Back Lane, Hardingstone.
  Mrs Irene Chenery, 3 Ilex Close, Hardingstone.
  Mr C A O'Dowd, 3 Baxter Court, Hardingstone.
  Mr G Fielding, 30 The Green, Hardingstone.
  Mrs B D Green, 61 The Warren, Hardingstone.
  Diana Gross, Richmond House, Back Lane, Hardingstone.
  Mr & Mrs S Jones, 5 Windrush Road, Hardingstone.
  Neil Lawrence, Millstone Cottages, 26/28 The Green, Hardingstone.
  J H Martin and A N Other, Cleatham House, 50 High Street, Hardingstone.
  Mrs Joanne Roff, Hardingstone Residents' Group, 12 Back Lane Hardingstone.
  Barbara Stagg, 4 Anzio Ho., Hardingstone Lane.
  Dr & Mrs J F Tanqueray, Mulberry House, The Green, Hardingstone.
  Dr Olga Toseland Stacey House, Hardingstone.
  Mr L Trasler, 12 The Warren, Hardingstone.
  Mrs R M Watson, 1 Baxter Court, Back Lane, Hardingstone.
  D J White, The Beeches, 11 Back Lane, Hardingstone.
  Dr Olga Toseland and R Watson jointly.

- Bundle of 'Green Forms' - petition raised by Hardingstone Residents' Group, objecting to the proposals.

PLANS

Plan A

- Application drawing as revised (Figure 16 Revision A).

Plan B

- Original application drawing (Figure 16).

Plan C (3 no)

- Site Survey showing Proposed Housing, Location of Site Sections and Supplementary Viewpoints, and Site Sections.
Plan D  - Figures 1-26 inclusive submitted with Mr Foster's proof of evidence

Plan E  - Landscape Appraisal drawings 1-22 inclusive, dated November 1996, submitted in support of the planning application.

Plan F  - Plan of the Brackmills Woodland Area.