

# Planning Statement of Common Ground

Outline planning application for the construction of up to  
65 dwellings together with associated works and access –  
Land at Lower Road, Milton Malsor, Northamptonshire

for Hollins Strategic Land LLP

LPA ref: S/2020/0599/MAO  
Planning Inspectorate ref APP/Z2830/W/21/3269904

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## 1. Introduction

- 1.1 This is a Statement of Common Ground with respect to an appeal by Hollins Strategic Land LLP (The Appellant). It has been prepared and agreed by the Appellant and West Northamptonshire Council (the LPA).
- 1.2 The Local Planning Authority at the time the application was determined and at the time the appeal was received was South Northamptonshire Council. On 1<sup>st</sup> April 2021 South Northamptonshire Council was replaced with a new unitary authority (also replacing Daventry District Council and Northampton Borough Council) named West Northamptonshire Council and it now constitutes the LPA for this appeal.

## 2. The Appeal Proposal

- 2.1 The proposed development is for:

*“Outline planning application for the erection of up to 65 no. dwellings with associated works and access.”*

- 2.2 The application was submitted in outline form with all matters other than means of access reserved for consideration at a later date.
- 2.3 The key aspects of the proposed development can be summarised as follows:
- Up to 65 dwellings, at a mix of types and sizes;
  - Affordable dwellings (50%);
  - Vehicular and pedestrian access to the site off Lower Road;
  - off-site highway improvements in and around Milton Malsor;
  - Associated landscaping
  - Public open space; and,
  - Ecological mitigation and enhancement.
- 2.4 The application was accompanied by the documentation listed in the appeal submission.
- 2.5 The application was considered by committee on the 29<sup>th</sup> October 2020. Members voted in accordance with the officer recommendation and the application was refused and the Decision Notice issued on the 29<sup>th</sup> October 2020. There are 3 reasons for refusal on the decision notice.

2.6 The drawings for which the Appellant seeks planning permission are as follows:

- Location Plan, received by the Local Planning Authority on 16<sup>th</sup> April 2020
- The following drawings contained within Appendix 2 to the Transport Note prepared by Croft/Eddisons Transport Planning & Design, received by the Local Planning Authority on 17<sup>th</sup> September 2020:
  - 2476-F01 - Rev B – Proposed Access/Lower Road Traffic Calming Arrangement
  - 2476-SP01 – Swept Path Analysis (County refuse vehicle tracking); and
  - 2476-F02 – Proposed Towcester Road/Lower Road Improvement Scheme.

### **3. Site and area description**

- 3.1 The site measures 5.1 hectares and comprises a rectangular parcel of grazing land to the north-east of the village of Milton Malsor. The site rises continuously up from Lower Road on its western boundary until it meets the Northampton spur of the West Coast mainline to the east. Vehicular access to the site is off Lower Road, with the western boundary of the site adjoining the highway. Hedgerows and a small number of trees are located around the site perimeter.
- 3.2 To the north of the site are agricultural fields, beyond which is the Milton Park Motocross track.
- 3.3 Milton Malsor has a convenience shop, public house, a football club, two churches, village hall, village park and playing fields and a primary school situated within walking distance of the site. Lower Road has bus stops. The latest bus timetable for the no. 88 bus is appended.

## 4. Planning Policy Context

4.1 Reference will be made to the policies of the adopted development plan. For the purposes of this appeal, the development plan comprises:

- West Northamptonshire Joint Core Strategy Local Plan (Part 1) (adopted December 2014) (WNJCS)
  - SA – Presumption in Favour of Sustainable Development
  - S1 – Distribution of Development
  - S3 - Scale and Distribution of Housing Development
  - S10 – Sustainable Development Principles
  - S11 – Low Carbon and Renewable Energy
  - C1 – Changing Behaviour and Achieving Modal Shift
  - C2 – New Developments
  - H1 – Housing Density and Mix and Type of Dwellings
  - H4 – Sustainable Housing
  - BN2 – Biodiversity
  - BN5 – The Historic Environment and Landscape
  - BN7 – Flood Risk
  - INF1 – Approach to Infrastructure Delivery
  - INF2 – Contributions to Infrastructure Requirements
  - R1 – Spatial Strategy for the Rural Areas:
- South Northamptonshire Part 2 Local Plan (adopted July 2020) (LPP2)
  - SS1 – The settlement hierarchy
  - SS2 – General development and design principles
  - LH1 – Development within town and village confines
  - LH8 – Affordable housing
  - LH10 – Housing mix and type

- SDP2 – Health facilities and wellbeing
- INF1 – Infrastructure delivery and funding
- INF 3 – Education Facilities
- INF4 – Electric vehicle charging points
- GS1 – Open space, sport and recreation
- HE2 – Scheduled ancient monuments and archaeology
- NE5 – Biodiversity and geodiversity
- NE6 – SSSIs and Protected Species

4.2 The WNJCS was adopted in conjunction with Northampton Borough Council and Daventry District Council.

### **Other Material Considerations**

4.3 In addition to the National Planning Policy Framework (the Framework) and National Planning Practice Guidance (the Guidance) the following will also be referred to:

- South Northamptonshire Housing Land Availability Study (April 2020)
- Housing Land Availability Study 2021 South Northamptonshire Area (excluding the NRDA) May 2021
- West Northants Strategic Housing Market Assessment (SHMA) 2010;
- South Northamptonshire Design Guide;
- Milton Malsor Parish Plan 2005
- Milton Malsor Parish Housing Needs Survey 2011;
- Milton Malsor Conservation Area Appraisal and Management Plan (2015)
- Milton Malsor Options for a Neighbourhood Plan 2013;
- Housing Needs Survey Report 2011;
- Housing Needs Study for Milton Malsor 2006;
- South Northamptonshire Local Housing Need Fact Sheet 2
- Housing Strategy 2019-2022 (with appendices);
- West Northamptonshire Joint Authorities Monitoring Report 2018-19.
- Review of Policies in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) – (December 2019).

- Supplementary Planning Document 'Developer Contributions' (December 2010).
- LPP2 Inspector's Report (June 2020)
- WNJCS Inspector's Report (October 2014)
- SNC Developer Contributions SPD (2010).
- LPP2 Settlement Hierarchy Background Paper
- LPP2A Options Consultation Background Document (March 2016)



## 5. Agreed Matters

5.1 Policies listed in the Decision Notice are:

- Policies R1 (b), (g) and (e), H2, INF1 and INF2 of the adopted West Northamptonshire Joint Core Strategy; and,
- Policies SS1, SS2, LH1, LH8, INF1 and GS1 of the adopted South Northamptonshire Local Plan Part 2.

5.2 Policy S1 of the WNJCS is also relevant to the appeal and each party will address this in evidence

5.3 It is agreed that policies INF1, INF2 and H2 of the Joint Core Strategy and policies LH8, INF1 and GS1 of the Local Plan (Part 2) would no longer be reasons for refusal on the completion of an agreed Section 106 agreement.

### Location

5.4 The appeal site lies within the South Northamptonshire Area (and outside the part of South Northamptonshire that is in the Northampton Related Development Area (NRDA)). The appeal proposal is not located within the NRDA and would not accord with LPP2 Policy SS1 4(ii).

5.5 The appeal site is outside and adjoins the settlement boundary of Milton Malsor, named as a Secondary Service Village (B) in Policy SS1 of the adopted South Northamptonshire Local Plan (Part 2). As the proposal is situated outside of the settlement boundary, in the open countryside, the proposal is in conflict with Policy R1 (g) of the WNJCS and SS1 and LH1 of the LPP2.

5.6 There is no Neighbourhood Plan in Milton Malsor relevant to this appeal, either emerging or made.

### Affordable housing

5.7 The Housing Needs Survey for Milton Malsor is dated 2011 and is out-of-date. The consultation response from the South Northamptonshire housing officer dated 24<sup>th</sup> April 2020 sets out an up-to-date position on need at determination of the application.

5.8 Subject to the presentation of an acceptable legal agreement, the appeal proposal would deliver 50% provision in accordance with LH8 of the LPP2.

5.9 The delivery of up to 33 affordable homes comprises a benefit from the development to be weighed in the planning balance as it will contribute towards meeting the affordable needs of West Northamptonshire and Milton Malsor. The only difference between the parties is that the Appellant considers this to be a substantial benefit whereas the LPA consider it is a significant benefit.

## **Other Benefits of the Appeal Proposal**

5.10 The following additional benefits of the appeal proposal are:

- Market Housing. The Appellant gives this significant weight, and the LPA gives this moderate weight.
- Biodiversity net gain. The Appellant gives this moderate weight, and the LPA gives this limited weight.
- Off-site highway works - The Appellant gives this significant weight, and the LPA gives this moderate weight.
- Public open space and green infrastructure – Both parties agree this is a benefit of moderate weight.
- Construction jobs and increased expenditure in shops and services of Milton Malsor - The Appellant gives this moderate weight, and the LPA gives this limited weight.

## **Other matters**

5.11 Subject to meeting the relevant tests on the use of planning obligations set out in the CIL Regulations 2010, the Appellant and the LPA will work together to agree a S106 agreement for early years and primary education infrastructure; affordable housing; public open space (including maintenance); playing pitch facilities (including maintenance); public transport and off site highway improvements; refuse/recycling infrastructure; libraries; primary healthcare infrastructure, and; the Council's monitoring costs.

5.12 There are no technical objections from statutory consultees and subject to the introduction of appropriate mitigation and other controls through planning conditions, the proposed development would have an acceptable impact on the following:

- ecology and protected species;
- access, traffic and road safety;
- archaeology;
- drainage;
- the capacity of utilities to facilitate the development;
- arboricultural impacts;
- residential amenity; and,
- energy-efficiency.

## **6. Matters not agreed**

### **Housing Land Supply**

6.1 Housing Land Supply will be addressed by a separate Statement of Common Ground.

### **The Planning Balance**

6.2 The Council considers that it can demonstrate a 5 year supply and therefore the tilted planning balance set out in paragraph 11(d) of the NPPF does not apply. Paragraph 12 of the NPPF applies.

6.3 The Appellant's position is that the Council cannot demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years supply. As a result, in accordance with footnote 7 of the NPPF, the tilted planning balance set out in paragraph 11(d) applies.

6.4 In the event that NPPF paragraph 12 applies, whether there are material considerations that indicate that the development plan should not be followed.

6.5 In the event that NPPF paragraph 11d applies, whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.6 The weight to be given to material considerations.

6.7 Whether the proposal conflicts with the development plan as a whole.

### **Scale**

6.8 Whether the proposal conflicts with WNJCS Policy R1(E) and LPP2 Policy SS1(2). Specifically, whether the proposal is an appropriate scale to the existing settlement.

### **Character and appearance of the area**

6.9 Character and appearance will be addressed by a separate Statement of Common Ground, which will set out matters agreed and not agreed.

6.10 Whether the proposal would erode the rural setting of Milton Malsor and adversely change the character of the village as set out in the second reason for refusal which refers to Policy R1(b) and SS2 of the LPP2.

6.11 Whether the proposal is in conflict with WNJCS policies S1D(1), and R1(B and E) and LPP2 policy SS2.

Signed *Stephen Harris*

Date: 3<sup>rd</sup> June 2021

on behalf of the Appellant

Signed *A D Murphy*

Date: 3<sup>rd</sup> June 2021

on behalf of West Northamptonshire Council

## Appendix 1

**Northampton - Silverstone  
Monday to Friday (not Bank Hols)**

Operated by: ST  
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Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service:	88	88	88	88	88	88	88	88
	Notes:	Prd1	XPrd2					XPrd2	Prd1
	Operator:	ST	ST	ST	ST	ST	ST	ST	ST
Blackthorn, Pig and Whistle PH	Depart:	07:00							
Rectory Farm, Fellmead Road		07:03							
Blackthorn, Maidencastle		07:09							
Weston Favell Centre, Little Billing Way		07:11							
Weston Favell Centre, Shopping Centre (Stop B)	Arrive:	07:13							
Weston Favell Centre, Shopping Centre (Stop B)	Depart:	07:15							
Kingsley Park, St Matthews Church		07:30							
Northampton, Northampton Bus Interchange (Bay 17)	Arrive:	07:40							
Northampton, Northampton Bus Interchange (Bay 17)	Depart:	07:43	07:43	09:58	11:58	13:58	14:58	15:58	15:58
Delapre, Delapre Crescent		07:53	07:53	10:05	12:05	14:05	15:05	16:05	16:05
Delapre, Telephone Exchange		07:55	07:55	10:07	12:07	14:07	15:07	16:07	16:07
Milton Malsor, Memorial		08:05	08:05	10:17	12:17	14:17	15:17	16:17	16:17
Blisworth, St John the Baptist's Church		08:09	08:09	10:21	12:21	14:21	15:21	16:21	16:21
Towcester, Brave Old Oak PH		08:25	08:25	10:36	12:36	14:36		16:36	16:36
Towcester, Saracens Head Hotel							15:36		
Towcester, Wordsworth Close							15:39		
Towcester, Health Centre							15:42		
Towcester, Burcote Park		08:28	08:28	10:39	12:39	14:39	15:47	16:39	16:39
Towcester, Health Centre		08:33	08:33	10:44	12:44	14:44		16:44	16:44
Towcester, Wordsworth Close		08:36	08:36	10:47	12:47	14:47		16:47	16:47
Silverstone, Copse Corner	Arrive:	08:49							17:04
Silverstone, White Horse PH	Arrive:		08:43	10:54	12:54	14:54		16:54	
Potterspury, Homestead Way	Arrive:						15:59		

	Service:	88
	Notes:	
	Operator:	ST
Blackthorn, Pig and Whistle PH	Depart:	
Rectory Farm, Fellmead Road		
Blackthorn, Maidencastle		
Weston Favell Centre, Little Billing Way		
Weston Favell Centre, Shopping Centre (Stop B)	Arrive:	
Weston Favell Centre, Shopping Centre (Stop B)	Depart:	
Kingsley Park, St Matthews Church		
Northampton, Northampton Bus Interchange (Bay 17)	Arrive:	
Northampton, Northampton Bus Interchange (Bay 17)	Depart:	17:40
Delapre, Delapre Crescent		17:47
Delapre, Telephone Exchange		17:49
Milton Malsor, Memorial		17:59
Blisworth, St John the Baptist's Church		18:03
Towcester, Brave Old Oak PH		18:18
Towcester, Saracens Head Hotel		
Towcester, Wordsworth Close		
Towcester, Health Centre		
Towcester, Burcote Park		18:21
Towcester, Health Centre		18:26
Towcester, Wordsworth Close		18:29
Silverstone, Copse Corner	Arrive:	
Silverstone, White Horse PH	Arrive:	18:36
Potterspury, Homestead Way	Arrive:	

Prd1 Only operates within these dates:  
08/03/2021 to 12/03/2021  
15/03/2021 to 19/03/2021  
22/03/2021 to 26/03/2021  
12/04/2021 to 16/04/2021  
19/04/2021 to 23/04/2021  
26/04/2021 to 30/04/2021  
03/05/2021 to 07/05/2021  
10/05/2021 to 14/05/2021  
17/05/2021 to 21/05/2021  
24/05/2021 to 28/05/2021  
07/06/2021 to 11/06/2021  
14/06/2021 to 18/06/2021  
21/06/2021 to 25/06/2021  
28/06/2021 to 02/07/2021  
05/07/2021 to 09/07/2021  
12/07/2021 to 16/07/2021  
19/07/2021 to 23/07/2021

XPrd2 Does not operate on these dates:  
08/03/2021 to 12/03/2021  
15/03/2021 to 19/03/2021  
22/03/2021 to 26/03/2021  
12/04/2021 to 16/04/2021  
19/04/2021 to 23/04/2021  
26/04/2021 to 30/04/2021  
03/05/2021 to 07/05/2021  
10/05/2021 to 14/05/2021  
17/05/2021 to 21/05/2021  
24/05/2021 to 28/05/2021  
07/06/2021 to 11/06/2021  
14/06/2021 to 18/06/2021  
21/06/2021 to 25/06/2021  
28/06/2021 to 02/07/2021  
05/07/2021 to 09/07/2021  
12/07/2021 to 16/07/2021  
19/07/2021 to 23/07/2021

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**Silverstone - Northampton  
Monday - Friday (not Bank Holidays)**

Operated by: ST  
Stagecoach Midlands

Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service:	88	88	88	88	88	88	88	88
	Notes:						Prd1	XPrd2	
	Operator:	ST	ST	ST	ST	ST	ST	ST	ST
Potterspury, Homestead Way	Depart:	07:35							
Silverstone, Copse Corner	Depart:						17:14		
Silverstone, White Horse PH			08:57	10:57	12:57	14:57	17:22	17:32	18:37
Towcester, Wordsworth Close			09:04	11:04	13:04	15:04	17:32	17:42	18:44
Towcester, Health Centre			09:07	11:07	13:07	15:07	17:35	17:45	18:47
Towcester, Burcote Park		07:50	09:12	11:12	13:12	15:12	17:40	17:50	18:52
Towcester, Health Centre							07:55		
Towcester, Wordsworth Close							07:58		
Towcester, Cemetery	Depart:						07:58		
Towcester, Brave Old Oak PH			09:17	11:17	13:17	15:17	17:45	17:54	18:57
Milton Malsor, Memorial		08:26	09:32	11:32	13:32	15:32	18:09	18:09	19:12
Delapre, Telephone Exchange		08:39	09:45	11:45	13:45	15:45	18:22	18:22	19:22
Delapre, Forest Road		08:41	09:47	11:47	13:47	15:47	18:24	18:24	19:24
Northampton, Northampton Bus Interchange (Bay 17)	Arrive:	08:49	09:55	11:55	13:55	15:55		18:32	19:31
Northampton, Northampton Bus Interchange (Bay 8)							18:35		
Kingsley Park, St Matthews Church							18:44		
Weston Favell Centre, Shopping Centre (Stop D)							19:02		
Weston Favell Centre, Little Billing Way							19:04		
Blackthorn, Pig and Whistle PH							19:08		
Rectory Farm, Fellmead Road	Arrive:						19:12		

Prd1 Only operates within these dates:  
 08/03/2021 to 12/03/2021  
 15/03/2021 to 19/03/2021  
 22/03/2021 to 26/03/2021  
 12/04/2021 to 16/04/2021  
 19/04/2021 to 23/04/2021  
 26/04/2021 to 30/04/2021  
 03/05/2021 to 07/05/2021  
 10/05/2021 to 14/05/2021  
 17/05/2021 to 21/05/2021  
 24/05/2021 to 28/05/2021  
 07/06/2021 to 11/06/2021  
 14/06/2021 to 18/06/2021  
 21/06/2021 to 25/06/2021  
 28/06/2021 to 02/07/2021  
 05/07/2021 to 09/07/2021  
 12/07/2021 to 16/07/2021  
 19/07/2021 to 23/07/2021

XPrd2 Does not operate on these dates:  
 08/03/2021 to 12/03/2021  
 15/03/2021 to 19/03/2021  
 22/03/2021 to 26/03/2021  
 12/04/2021 to 16/04/2021  
 19/04/2021 to 23/04/2021  
 26/04/2021 to 30/04/2021  
 03/05/2021 to 07/05/2021  
 10/05/2021 to 14/05/2021  
 17/05/2021 to 21/05/2021  
 24/05/2021 to 28/05/2021  
 07/06/2021 to 11/06/2021  
 14/06/2021 to 18/06/2021  
 21/06/2021 to 25/06/2021  
 28/06/2021 to 02/07/2021  
 05/07/2021 to 09/07/2021  
 12/07/2021 to 16/07/2021  
 19/07/2021 to 23/07/2021

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**Northampton - Silverstone  
Saturdays and Good Friday**

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Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service: Operator:	88 ST	88 ST	88 ST	88 ST	88 ST	88 ST
Northampton, Northampton Bus Interchange (Bay 17)	Depart:	07:46	09:58	11:58	13:58	15:58	17:40
Delapre, Delapre Crescent		07:53	10:05	12:05	14:05	16:05	17:47
Delapre, Telephone Exchange		07:55	10:07	12:07	14:07	16:07	17:49
Milton Malsor, Memorial		08:05	10:17	12:17	14:17	16:17	17:59
Blisworth, St John the Baptist's Church		08:09	10:21	12:21	14:21	16:21	18:03
Towcester, Brave Old Oak PH		08:25	10:36	12:36	14:36	16:36	18:18
Towcester, Burcote Park		08:28	10:39	12:39	14:39	16:39	18:21
Towcester, Health Centre		08:33	10:44	12:44	14:44	16:44	18:26
Towcester, Wordsworth Close		08:36	10:47	12:47	14:47	16:47	18:29
Silverstone, White Horse PH	Arrive:	08:43	10:54	12:54	14:54	16:54	18:36

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**Silverstone - Northampton  
Saturdays and Good Friday**

Operated by: ST  
Stagecoach Midlands

Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service:	88	88	88	88	88	88	88
	Operator:	ST	ST	ST	ST	ST	ST	ST
Silverstone, White Horse PH	Depart:		08:57	10:57	12:57	14:57	17:02	18:37
Towcester, Wordsworth Close			09:04	11:04	13:04	15:04	17:09	18:44
Towcester, Health Centre			09:07	11:07	13:07	15:07	17:12	18:47
Towcester, Burcote Park		08:07	09:12	11:12	13:12	15:12	17:17	18:52
Towcester, Brave Old Oak PH		08:12	09:17	11:17	13:17	15:17	17:21	18:57
Milton Malsor, Memorial		08:27	09:32	11:32	13:32	15:32	17:36	19:12
Delapre, Telephone Exchange		08:40	09:45	11:45	13:45	15:45	17:49	19:22
Delapre, Forest Road		08:42	09:47	11:47	13:47	15:47	17:51	19:24
Northampton, Northampton Bus Interchange (Bay 17)	Arrive:	08:50	09:55	11:55	13:55	15:55	17:59	19:31

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**Northampton - Silverstone  
Sundays and Some Bank Holidays**

Operated by: ST  
Stagecoach Midlands

Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service: Operator:	88 ST	88 ST	88 ST	88 ST	88 ST	88 ST	88 ST
Northampton, Northampton Bus Interchange (Bay 17)	Depart:	09:58	11:28	12:58	14:28	15:58	17:28	18:58
Delapre, Delapre Crescent		10:05	11:35	13:05	14:35	16:05	17:35	19:05
Delapre, Telephone Exchange		10:07	11:37	13:07	14:37	16:07	17:37	19:07
Shelfleys, Teal Close		10:15	11:45	13:15	14:45	16:15	17:45	19:15
Milton Malsor, Memorial		10:21	11:51	13:21	14:51	16:21	17:51	19:21
Blisworth, St John the Baptist's Church		10:24	11:54	13:24	14:54	16:24	17:54	19:24
Towcester, Saracens Head Hotel	Arrive:	10:35	12:05	13:35	15:05	16:35	18:05	19:35

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**Silverstone - Northampton  
Sundays and Some Bank Holidays**

Operated by: ST  
Stagecoach Midlands

Timetable valid from 8 Mar 2021 until 1 Oct 2021

	Service:	88	88	88	88	88	88	88
	Operator:	ST	ST	ST	ST	ST	ST	ST
Towcester, Saracens Head Hotel	Depart:		10:36	12:06	13:36	15:06	16:36	18:06
Towcester, Wordsworth Close		09:09	10:39	12:09	13:39	15:09	16:39	18:09
Towcester, Health Centre		09:12	10:42	12:12	13:42	15:12	16:42	18:12
Towcester, Brave Old Oak PH		09:20	10:50	12:20	13:50	15:20	16:50	18:20
Milton Malsor, Memorial		09:32	11:02	12:32	14:02	15:32	17:02	18:32
Shelfleys, Bitterns Street		09:38	11:08	12:38	14:08	15:38	17:08	18:38
Delapre, Telephone Exchange		09:47	11:17	12:47	14:17	15:47	17:17	18:47
Delapre, Forest Road		09:49	11:19	12:49	14:19	15:49	17:19	18:49
Northampton, Northampton Bus Interchange (Bay 17)	Arrive:	09:55	11:25	12:55	14:25	15:55	17:25	18:55

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