



Notice of Decision

Town and Country Planning Act 1990 Refusal of Permission for Development

To:	Excelsior Land C/O Apex Planning Consultants 1 Hillbeck Grove Middleton Milton Keynes MK10 9JJ	Application No:	S/2019/2298/FUL
		Application Date:	20 November 2019
		Date of Refusal:	12 June 2020

SOUTH NORTHAMPTONSHIRE COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:

Demolition of existing horticultural buildings and the erection of 9 no. dwellings (1 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom), and associated boundary treatment, hard and soft landscaping.
at Yardley Hastings Garden Centre 32 Bedford Road East Yardley Hastings
NN7 1HJ

In accordance with the accompanying plans and particulars, for the reasons specified below:

1. It has not been demonstrated that the site is unsuitable or not economically viable for the existing or other commercial or retail uses, including by marketing of the site for 12 months. Nor has it been demonstrated that the existing use is in significant conflict with any of the criteria in policy G3 of the South Northamptonshire Local Plan and is not compatible with and would have an unacceptable long-term impact on the surrounding area and its residents. The development of the site for housing is not in accordance with specific site proposals and policies set out in the development plan. The proposal therefore conflicts with policies E4 and R4 of the South Northamptonshire Local Plan and emerging policy EMP2(1a, 1b and 2) of the Draft South Northamptonshire Part 2 Local Plan (as amended by the main modifications).
2. The proposal will have an unacceptable adverse impact on highway safety. A ghost island right turn is required to provide a safe access into the site and prevent any obstruction on the A428, which is identified as a principal county road. The proposal is contrary to policy G3(B and F) of the South Northamptonshire Local Plan, emerging policy SS2(j) of the Draft South Northamptonshire Part 2 Local Plan (as amended by the main modifications), paragraphs 108-110 of the NPPF and the Northamptonshire Highway Network Management Plan.
3. The proposal does not make the most efficient use of land, and a development for 10 dwellings could be delivered which would secure affordable housing delivery and contribute to sustainable development and the creation of mixed, balanced and inclusive communities. The proposal therefore conflicts with Policies H1 and

R1 of the West Northamptonshire Joint Core Strategy.

4. The site layout and design of the proposal do not reflect, maintain or complement the distinctive local character and identity of the village. The proposal fails to respect, enhance or improve the visual amenity of the area by virtue of the scale, mass, bulk, height and form of the dwellings. The proposed materials and architectural features are inappropriate for this village setting. The site layout allows road access to the rear of the adjacent Garden Centre and the adjacent dwelling (number 29 Highfield Way) decreasing their security, and includes minimal landscaping provision. The proposal is therefore contrary to policies G3(A, L and P) and EV1 of the adopted South Northamptonshire Local Plan, emerging policies LH1(1b) and SS2(1a, c, d and e) of the Draft South Northamptonshire Part 2 Local Plan (as amended by the main modifications), Chapters 3.4.14, 4 and 5 of the South Northamptonshire Design Guide and the Yardley Hastings Village Design Statement and chapter 12 of the NPPF.
5. The application is not supported by sufficient information to demonstrate that the noise impact from the adjacent garden centre would not be detrimental to the living conditions of the occupiers of the new dwellings, particularly plots 6, 7, 8 and 9 which all have gardens less than 9m in depth backing on to the garden centre site. No noise assessment and/or required mitigation measures have been submitted to demonstrate that the noise impact of the adjacent A428 would not be detrimental to the living conditions of the occupiers of plot 1. The rear gardens of 6 of the 9 dwellings do not meet the minimum standard depth of 9 metres, providing inadequate private amenity space. The proposal therefore does not demonstrate adequate amenity to comply with policies H1(f) and BN9 of the West Northamptonshire Joint Core Strategy, policy G3(D) of the South Northamptonshire Local Plan, emerging policy SS2(g) of the Draft South Northamptonshire Part 2 Local Plan (as amended by the main modifications) and chapter 4.7 of the South Northamptonshire Design Guide.
6. The application is not supported by sufficient information on the existing barn (Non-designated heritage asset) in the form of a heritage assessment to enable the understanding of the potential impact of the proposal on the buildings significance. The proposal provides insufficient justification as to why the asset is not capable of conversion or re-use. The proposal therefore fails to comply with policies BN5 and S10(i) of the West Northamptonshire Core Strategy and emerging policies SS2(m), HE1 and HE7 of the Draft South Northamptonshire Part 2 Local Plan (as amended by the main modification) and paragraph 197 of the NPPF.

INFORMATIVE:

1. The plans and documents relevant to the determination of this application are; Drainage Statement (Chiltern Design Limited, Rev C) (29/5/20), Refuse Vehicle Tracking (26/5/20), Proposed Site Plan SP001-J (26/5/20), Technical Response to second highways consultation on access NW/JHB/AX013 (21/5/20), Shed Details PL013 (8/4/20), Garages plans and Elevations PL012 (8/4/20), House type 2 plans and elevations PL003-D (8/4/20), Levels and Drainage Plan 700-1001-P03 (8/4/20), Statement on Access (Stirling Maynard, March 2020, Rev B) (8/4/20), Tree Survey and Constraints Plan BHA_590_01 (20/3/20), Proposed Section PL011-A (20/3/20), Proposed Street Scene PL010-A, House type 6 plans and elevations PL008-A (20/3/20), House type 5 plans and elevations

PL005-C (20/3/20), House type 3-4 plans and elevations PL004-C (20/3/20), House type 1 plans and elevations PL002-C (20/3/20), Proposed boundary treatment plan PL001-A (20/3/20), Proposed location plan/existing site plan SLP001-A (20/3/20), Design and Access Statement (CMIA, February 2020) (20/3/20), Retained Garden Centre Use Plan (20/3/20), Management Survey (ASI Environmental 24/1/18, A-11950v1) (20/3/20), Paul Smith email to Susan Garbutt 20 March 2020 15:42, Ecological Appraisal Report (Optimis Consulting, 27/10/19) (8/11/19), Planning Statement (Apex, October 2019) (8/11/19), Wastewater plan (8/11/19), Existing Site Plan A18-016-EX001 (8/11/19), Application Form (8/11/19).

Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraph 38 of the National Planning Policy Framework (July 2018)

In accordance with the above, South Northamptonshire Council has worked with the applicant in a positive and creative way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its adopted protocol on 'Negotiating Submitted Applications'. Where the applicant chooses to engage in pre-application discussions, the outcome of these will be referred to in the application report. In responding to pre-application enquires and determining formal applications, South Northamptonshire Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.



Jim Newton - Assistant Director - Planning and Economy

Checked by:	ESH (Officer initials)
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NOTES TO APPLICANTS :**APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (12 weeks in the case of householder or minor commercial development) of the date of this notice *(see exceptions below)

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

If this decision relates to the same or substantially the same land and development as is already the subject of an **enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within 28 days of the date of this notice.****

If an **enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.****

PURCHASE NOTICE

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990