

**LPA Ref: S/2019/0856/MAO**

**PINS Ref: APP/Z2830/W/20/3251622**

**LAND SOUTH OF GRANGE PARK**

**NORTHAMPTON**

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**APPEARANCES ON BEHALF OF THE APPELLANT**

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**COUNSEL:**

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Stephanie Hall

**INSTRUCTED BY:**

Armstrong Rigg Planning

**WITNESSES:**

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**LAND SOUTH OF GRANGE PARK  
NORTHAMPTON**

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**OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT**

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1. This appeal seeks outline planning permission for up to 300 new homes, together with land for a new school on land immediately to the south of the existing Grange Park development and immediately to the south of the ‘Northampton Related Development Area’ (“NRDA”).
2. The Appellant by these proposals proposes an extension to the existing urban area of Northampton on land which adjoins the NRDA area which has been identified for significant growth, but has not yet delivered it.
3. The Council’s reasons for refusal centre around the Site’s location: it is alleged that the Site would be “unsustainably located” and that it is, in principle, in the wrong location due to being adjacent to, rather than within, the NRDA.
4. Key to the determination of the issues raised in this appeal is whether the Site should be seen as aligned to the planned growth for the NRDA, or merely as development within the constrained open countryside. The Appellant strongly contends for the former. The Council,

in a departure from the stance it has taken in relation to other similar sites<sup>1</sup>, contends for the latter.

5. The association with the NRDA is important since the NRDA has an acknowledged and serious shortfall in housing supply; the most recent report demonstrates a 2.75 year housing supply for the NRDA<sup>2</sup> which the Local Plan Part 2, in a mastery of understatement describes as “significant” and “unlikely to be resolved in the shorter term”<sup>3</sup>. Indeed, Northampton has failed to deliver its planned requirement in seven of ten years, including recessionary and non-recessionary years<sup>4</sup>.
6. The Appeal proposals would self-evidently provide a considerable contribution to this supply against the background of both local and national policy which seek to significantly boost the supply of housing nationally and particularly within Northampton.
7. Not only is local policy supportive of housing development within Northampton but the adoption of the LPP2 has also clarified that proposals on “adjacent land”, such as the appeal site, can be supported and in compliance with the development plan. It is not the case that all adjacent sites are outside a settlement boundary and are therefore constrained, LPP2 and the WNJCS together provide a clear route map to supporting such schemes in order to assist with the failing supply within the NRDA. This makes sense as to do otherwise and to simply hope the NRDA allocations come forward is a strategy which has plainly not worked. Sensibly, the LPP2 therefore has clarified that adjacent land can make a contribution to housing supply within the NRDA.
8. Policy SS1 of LPP2 supports development outside the boundaries of the NRDA where it also satisfies the criteria of WNJCS Policy S4. In turn, Policy S4 sets out that:

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<sup>1</sup> Namely Wootton Fields S/2017/1985/MAO

<sup>2</sup> SOCG para 7.4

<sup>3</sup> LP Part 2 para 3.1.6 – CD2

<sup>4</sup> See policy comments appended at p.49 of the Planning SOCG

*“Additional development to meet Northampton’s needs will be supported only if it meets the vision, objectives and policies of this plan.”*

9. The Site sits immediately adjacent to the NRDA and the housing provided would be “associated” with Northampton in every sense. The Site is contiguous with other NRDA development on Grange Park and the Council agrees that the development plan supports such development, provided the vision and objectives of the plan are met<sup>5</sup>.
10. The WNJCS sets out a total of sixteen broad objectives. The Council appears to now suggest that only one of these would be breached: Objective 3 – Connections<sup>6</sup>. On any view, this is not a balanced approach to the application of this policy, but is at least a welcome recognition that all of the others would not be.
11. There is no allegation that the Site would not in fact be connected to the NRDA or that the Site would be located too far from Grange Park services and facilities to be accessed by sustainable travel modes<sup>7</sup>. The Council instead takes issue with the modal split. However, the Appellant has committed to meet a 20% modal shift which is in line with Northamptonshire County Council's Transport Strategy for Growth and will be secured by planning obligation. The Appellant will also fund an appropriate level of bus provision from the Site. The County Council has sensibly agreed that the application proposal would not represent a development that is reliant on the use of private car<sup>8</sup>. In this context, the Council’s objection cannot be supported.
12. The Council appears to primarily rely on walking distances in order to support both reasons for refusal; i.e. it is said to be walking distances that make the development locationally

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<sup>5</sup> See AM POE para 9.2

<sup>6</sup> All parts of AM POE Para 12.4 appear to relate to this objective albeit that the Reason for Refusal also refers to Objectives 11 and 12

<sup>7</sup> See AM POE para 12.4.1 – LPA agrees cycling distances but take issue with walking only

<sup>8</sup> Highways SOCG para 2.2 -CD 17

unsustainable, which in turn results in a failure to meet the objectives of the WNJCS. However, walking distances to all day-to-day facilities fall well within the recommended 2km maximum distance<sup>9</sup> and the majority of uses fall within or only slightly in excess of the 1 mile distance representative of actual behavioural patterns. Again, it is difficult to see how the Council's objection can be substantiated.

13. At the time of the application, it was understood that the Parish Council managed the wood, and that as a public body it was within their remit to spend the s.106 contributions offered to upgrade the existing link through the woods in the interest of its parishioners. However, it now appears that the District Council has yet to enforce the 1998 s.106 obligation with the Grange Park developer who has retained the long leasehold of the wood as the land has yet to be transferred to the Council. Nonetheless, permission has been granted (and implemented) to create routes through the wood and as detailed in the supplementary note of GA, the delivery of a pedestrian route through Alamein Wood can be secured and any condition requiring delivery can be discharged.
14. Thus, there is a demonstrable lack of any real harm here and a preponderance of land use benefits including:
  - a. It is plain that the NRDA is grossly under-delivering on the aims of the plan and something needs to be done to ensure that the aims for Northampton as a centre for renewal and growth can be achieved;
  - b. The site makes a significant contribution towards education infrastructure in this part of Northampton by providing a site capable of hosting a two form entry primary school;

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<sup>9</sup> Para 4.4 Table GAA2, S106 update report

- c. The appeal proposals will include up to 105 affordable dwellings at a policy-compliant rate of 35%. There is an acute need for affordable units, particularly within the NRDA;
  - d. 3.3ha of the Site will be public open space together with extensive landscaping and 2ha of natural and semi-natural green space capable of contributing towards habitat creation. This is significantly in excess of the policy requirement; and
  - e. Significant economic benefits which come with the construction and management of the building project together with permanent increased spend in the local economy.
15. Overall, the issues in this case are clear – the grant of permission would assist with the delivery of much needed housing associated with the NRDA; a core aim of the local plan which is currently failing. Housing on adjacent sites is expressly supported in the plan, provided the aims and objectives are not offended. The Council has picked a solitary objective and focussed exclusively on that to the exclusion of all else. In any event, the Site is agreed by the LHA to be a sustainable location and is within an acceptable walking distance of necessary facilities. Therefore, no harm arises from the proposals but they do bring the potential for significant benefits.
16. As for other issues – it is the Appellant’s firm submission that in respect of highways, landscape, noise and AQ that there is no proper basis to withhold consent. This is one of those obvious cases where the delivery of a sustainable parcel of land which will help to meet an acknowledged local need is being resisted by a LPA despite an absence of real harm and notwithstanding clear benefits.
17. Accordingly, in due course, the Appellant will invite the Inspector to allow the appeal.

*19<sup>th</sup> October 2020*

Kings Chambers  
Manchester, Leeds, Birmingham

*Paul G Tucker QC*  
*Stephanie Hall*