

LAND SOUTH OF GRANGE PARK, QUINTON ROAD, NORTHAMPTON

APPEAL BY MANOR OAK HOMES

APP/Z2830/W/20/3251622

OPENING SUBMISSIONS

ON BEHALF OF SOUTH NORTHAMPTONSHIRE COUNCIL

1. South Northamptonshire Council resists this appeal in respect of an outline application for up to 300 dwellings and associated development. The Council gave three reasons for refusal. Reason 3 regarding air quality and noise has been withdrawn (Planning Statement of Common Ground para. 3.15).
2. The issues as between the Council and the Appellant concern the principle of development in this location and whether the appeal scheme represents unsustainable development that is overly reliant on the private car rather than sustainable modes of transport. That broadly aligns with the Inspector's articulation of the main issues in his note from the case management conference dated 13th October 2020.

The development plan

3. The development plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (adopted in December 2014 for the period up to 2029) ('**the JCS**') and the South Northamptonshire Part 2 Local Plan 2011 – 2029 (adopted in July 2020) ('**the LPP2**'). The JCS covers the administrative areas of three authorities: Northampton Borough, Daventry District, and South Northamptonshire District.
4. At the time of determination of the planning application by the Council on 6th February 2020, saved policies of the South Northamptonshire Local Plan

(adopted 1997) were still extant. The LPP2 has now replaced those saved policies (Planning SoCG section 5). Accordingly, references in the reasons for refusal to the 1997 Local Plan policies have been superseded, and references to the emerging LPP2 should now be read as references to the adopted LPP2.

5. The JCS sets a spatial strategy of concentrating development in the urban areas – namely the ‘Principal Urban Area’ of Northampton, the ‘Sub-regional Centre’ of Daventry, and the ‘Rural Service Centres’ of Towcester and Brackley (policies S1 – S4 in particular). Outside these urban areas, the strategy for the ‘Rural Areas’ is one of restraint (policy R1 in particular).
6. Recognising that Northampton’s needs cannot be met within the administrative boundary of Northampton Borough, the JCS creates the ‘Northampton Related Development Area’. This area, which is delineated on the policies map, includes sustainable urban extensions to accommodate growth that cannot be accommodated within Northampton’s existing urban area.
7. The identification of the NRDA is a central part of the JCS strategy to ensure a sustainable pattern of development. Those sustainability concerns include, relevantly for the present appeal, the objective of combating increasing levels of congestion in the plan area and addressing the high levels of reliance on the private car in the plan area. The NRDA is a policy tool designed to achieve new development that is well integrated into Northampton’s existing urban area and that can provide sustainable access to jobs and services. As the JCS states (para 5.12):

“Piecemeal development spread around the edges of the urban areas would increase the load to the current road and utilities infrastructure, without bringing forward the economies of scale that would make the provision of further infrastructure cost effective and therefore deliverable. Such incremental development is more difficult to serve with the range of community facilities needed to support the increase

in population. Consequently, the Spatial Strategy is one of concentrating additional development within the existing towns as far as possible and in a small number of large development areas, called sustainable urban extensions.”

8. The appeal site lies outside, but adjoining, the NRDA boundary. It is not allocated in the development plan. It answers to the description of “*piecemeal development spread around the edges of urban areas*” from the JCS, set out above, which is expressly contrary to the JCS strategy.
9. JCS Policy S4 is the principal policy on the NRDA. It provides that Northampton’s needs will be met primarily within Northampton’s existing urban area and the SUEs within the NRDA. It further provides that additional development to meet Northampton’s needs will be supported only if it meets the vision, objectives and policies of the plan.
10. Given the location of the appeal site outside the NRDA, the appeal scheme must meet that second limb of Policy S4 if it is to comply with Policy S4 and be considered NRDA-related development. For the sustainability reasons which the Council will outline below, the Council will say that the appeal scheme does not comply with S4.
11. The JCS treats the areas outside the NRDA and main towns as ‘Rural Areas’. Unless the appeal scheme can obtain the support of Policy S4, then Policy R1 applies, which the scheme would clearly conflict with, given that R1 requires (subject to certain non-applicable exceptions) residential development in Rural Areas to be within existing settlement confines.
12. The LPP2 is a non-strategic part 2 plan which expressly operates within the strategic framework of the JCS. It does not relax or qualify the approach in Policy S4 set out above.

The determination of the application

13. Pre-application discussions took place in 2018 regarding a scheme for 600 dwellings across a wider site. In respect of the part of the wider site that corresponds to the appeal site, the pre-application response identified that it was *“quite remote / unsustainable in transport terms. It would not be able to tie into any existing public transport services routes”* and commented on its *“poor sustainability / car dependency”* (Planning SoCG Appendix 1).

14. The application was submitted in 2019 and reported to committee on 6th February 2020. The officer’s report assessed that *“the issues are finely balanced”*. The report made particular comment on *“the site’s poor transport sustainability credentials”*, observing that (para. 11.5; CD19 Appendix 3):

“11.5 Given that the site is remote from existing bus routes (the nearest stop is some 800m – 1km from the new houses), and has little chance of viably being served by any new bus routes itself, the proposal largely fails to meet the objective of prioritising sustainable travel. There are options for walking / cycling to facilities / services in / through Grange Park, although it is accepted that the distances involved will discourage residents from not making private car journeys.

11.6 In light of the above, the site’s poor location / connection with regard to public transport is a factor that must be given significant weight in the planning balance.”

15. Comments from the recreation and leisure officer similarly observed that (para. 7.10):

“... the lack of infrastructure within the proposed development would lead to a need for the proposed residents to use vehicles to get to shops, doctors etc. This would increase traffic along the existing roads. For those residents who do not have a car there would be a possible issue of isolation from the wider community facilities.”

16. On this fine balance, the officer recommendation came down on the side of approval. Members disagreed and the application was refused.

Sustainability objections

17. The Council will say that the appeal scheme is fundamentally unsustainable in transport terms. It runs contrary to the central policy objectives of the JCS and the LPP2 of locating development where it will allow sustainable forms of transport to be prioritised, along with the imperative in the NPPF that *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”* (para. 103).

18. In terms of walking, no on-site facilities are proposed other than the primary school. The Council’s case will highlight the significant walking distances to the services, facilities and bus stops in Grange Park, as well as drawbacks in terms of the number of points of access and the attractiveness of the routes. Consideration will be given to whether the routes comply with guidance on walkable neighbourhoods and whether, as a result, the appeal scheme is a development which meets the policy objective to give priority to walking.

19. In terms of public transport, the site is not integrated at all into the NRDA notwithstanding the close proximity. The location of the site’s road access onto Quinton Road means that the site essentially ‘faces away’ from the NRDA. There is no opportunity to extend the existing bus services in Grange Park into the site. The absence of direct road connections into the NRDA also means that car journeys will be longer than they otherwise would be, with increased impacts in terms of congestion and pollution as a result. A shopping trip by car to the Grange Park Co-op, for example, will involve setting off in the opposite direction and a convoluted circular route.

20. The Council will examine the community bus that the Appellant has proposed, in particular the frequency, capacity, routeing, attractiveness and reliability of that proposal. The Council will say that it is no substitute for integration into

the fully scheduled and regular service at Grange Park. Given the long walking distances and absence of services and facilities on site, what would in fact be needed to make the site sustainable is something well above and beyond the public transport available in Grange Park; what is being proposed is something well short of what is available in Grange Park.

21. In light of all these considerations, the Council will say that in terms of connectivity and accessibility, the appeal scheme is isolated and remote. It will have a heavy dependence on the private car and not achieve the modal shift aspirations of policy. The scheme conflicts with a raft of policies as set out in the reasons for refusal, it does not comply with the vision, objectives and policies of the JCS, and it cannot be considered NRDA-related development which attracts the support of Policy S4. It is therefore subject to Policy R1, with which it conflicts.

The s.106 and Grampian condition no.19

22. Alongside a draft s.106 submitted on Thursday 15th October 2020, the Appellant has submitted an 'Update Report in respect of Alamein Wood' (124 pages).
23. The heads of terms for the s.106 agreement at committee included "*a binding timetable and mechanism for the implementation of, upgrades to the existing bridleway and a footpath and cycle way (with streetlighting) into the existing network within Grange Park prior to 1st occupation*" (CD19, Appendix 3, section 12). The Planning SoCG signed by the Appellant on 7th August 2020 confirmed that it was agreed that the s.106 would secure those works (para. 4.3).
24. The illustrative masterplan (dwg. 41208 019 rev R August 2019) identified the existing PRoW on the eastern boundary of the site (connecting to Foxfields Country Park) which was to be improved, and a second pedestrian connection point through Alamein Wood at the north of the site. This was expressly made part of the Residential Travel Plan dated April 2020 (Appendix 2 to the Appellant / NCC SoCG), where it was stated that:

“A new footpath connection will be made to Grange Park from the site’s northern boundary through Alamein Woods. This will comprise a 3.0m wide golden gravel footpath, with lighting to connect with the existing footway connection in Grange Park to the North.”

25. The plan at Appendix F to the RTP shows that this Alamein Wood footpath includes a ‘north-south’ element, and an ‘east-west’ element. The RTP is to be conditioned.
26. By the Update Report, submitted only two clear working days before the inquiry was to open, the Appellant has sought to *“revise the extent of works through Alamein Wood and Alamein East”* (para. 4.1). A new drawing is proposed which omits part of the north-south link. This includes the omission of the access point at the north of the appeal site (Appendix GAA10, 6473/ASP01 rev C). The Appellant states that these revised works will be conditioned (although at the time of writing no new condition(s) has been provided).
27. The scheme has therefore gone from two pedestrian points of access at the north of the site to one point of access. The scheme has become even less sustainable in terms of walking.
28. Further, there exist significant doubts over whether what remains of the Alamein Wood footpath can be achieved. Originally the Appellant included provision for the Alamein Wood footpath in the draft s.106 agreement, as per the heads of terms in the officer report. Alamein Wood is outside both the application red and blue lines, and therefore the Council in the usual way sought confirmation from the Appellant that it had or could obtain the necessary control over Alamein Wood so that the footpath works could be delivered. The Council received no proper answer to this question until last Thursday when, in the Update Report, the Appellant has asserted that the works can be delivered by or on behalf of a mutual freeholder of Alamein Wood and the appeal site (paras 3.2 and 3.6). The Appellant asserts that,

notwithstanding the existence of a long lease in favour of the developer of Grange Park, the works can be carried out. The Appellant has removed the Alamein Wood works from the s.106 and they are only now in a Grampian condition, contrary to the Planning SoCG, and no doubt because of the land ownership problem.

29. The Council will say that this is plainly unsatisfactory. The land ownership problem means that there can be no confidence that the works can be carried out and accordingly the condition would not meet the relevant tests for conditions which relate to land not in control of the applicant (PPG 21a-009).

30. There is a second reason why there can be no confidence that the works can be achieved. At present, there is a dirt path through Alamein Wood. The Appellant proposes to create a 3m golden gravel surface with low level bollard lighting (plan 6473/ASP01 rev C). That will need planning permission, which has not been obtained and there is no evidence about whether it could be obtained. The Appellant's Update Report suggests that the works would only constitute the upgrade of an existing path which has planning permission, but it is far from clear that such permission actually exists, or even if it did whether it would extend to the works proposed.

Housing land supply

31. The mechanics and calculation of housing land supply are not at issue in this appeal.

32. In summary, the JCS sets the housing requirement. It is set by 'Plan Area'. The Plan Areas are: (i) the NRDA; (ii) the administrative area of Daventry District excluding that part within the NRDA; and (iii) the administrative area of South Northamptonshire District excluding that part within the NRDA. The requirement is broken down in this way in order to give effect to the spatial strategy and to ensure that it is not undermined.

33. Housing land supply is to be measured against the Plan Area requirement figures (see SNC's Housing Land Availability Study, April 2020 at 3.1 – 3.7 (CD22) and the Inspector's Report on the LPP2 at paras 32-33 (CD3)).
34. The most recent housing land availability study for South Northamptonshire (April 2020 – CD22) shows 8.26 years supply (excluding the NRDA). The most recent housing land supply position statement published in respect of the NRDA (April 2019 – CD23) shows 2.75 years supply.
35. The Council will say that, because the appeal scheme does not satisfy Policy S4 and therefore is not NRDA-related development, the SNC housing land supply figure of 8.26 years is applicable. It is understood that the Appellant's position is that, because on its view the appeal scheme is NRDA-related development, the NRDA housing land supply figure of 2.75 years is applicable. The extent of this dispute, as it appears to the Council, is entirely dependent on the principal issue of whether the appeal scheme complies with Policy S4 or not.
36. The Council recognises the shortfall in housing supply in the NRDA and the benefit of additional housing. That shortfall, however, is an issue which can only be sustainably remedied at a strategic level and a JCS review is underway in order to address it. Development in unsustainable locations in the Rural Areas is not an appropriate or practical solution to this issue.

Conclusion

37. The Council will say that for all the reasons set out above the appeal development is unacceptable and will in due course invite the Inspector to dismiss the appeal.

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