



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 22nd March 2016

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Secretary of State's Decision on the Hardingstone Appeal

N/2013/0338 – 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 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road (as amended by revised plans received 14/03/14 & revised Transport Assessment- January 2014) at Land to the east of Hardingstone north of Newport Pagnell Road, Northampton.

1. RECOMMENDATION

- 1.1 That the Secretary of State's decision to allow the appeal and grant planning permission be noted.
- 1.2 That the Secretary of State's reasons for allowing the appeal be noted.
- 1.3 That the financial cost to the Council in defending the decision to refuse planning permission at the public inquiry be noted.

2. PURPOSE OF REPORT

- 2.1 This report advises the Committee of the Secretary of State's decision to allow the appeal by the Homes and Communities Agency (the HCA) against this Council's refusal of planning permission for the development of a sustainable urban extension at land to the east of Hardingstone (the Northampton South of Brackmills SUE).

- 2.2 The report also advises the Committee of the costs incurred by the Council in engaging leading Counsel and expert witnesses to present the Council's case at the public inquiry.

3. BACKGROUND

- 3.1 Planning Committee resolved on 6th May 2014 to refuse Planning Application N/2013/0338. Planning permission was refused for the following reasons:

1. The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions such that the cumulative impacts of the development would not be severe. These adverse highway impacts in turn will lead to a detrimental impact on the highway network adversely affecting all users including occupiers of business premises located in Brackmills Industrial Estate thus acting as an impediment to the operation of the business park and its future sustainable economic growth. The development would therefore be contrary to the overarching intentions of the National Planning Policy Framework.

2. The site is identified in the Northampton Landscape and Green Infrastructure Study 2009 as being of high-medium landscape and visual sensitivity comprising of a rural landscape which has a stronger visual connection with the surrounding countryside than with Northampton. Furthermore, Policy E7 of the Northampton Local Plan identifies part of the site as an important skyline between Great Houghton and Hardingstone as seen from the Nene Valley. Public footpath KN6 runs across the site in a south-easterly direction providing amenity access through the rural landscape. The National Planning Policy Framework seeks to ensure that any detrimental effects on the environment, the landscape and recreational opportunities arising from major developments are moderated. The proposed development would have an urbanising effect and be of a scale and density detrimental to the existing rural character of the surrounding area and would result in the loss of land of significant amenity value. In the absence of sufficient information to demonstrate appropriate mitigation for the impact of the development on the landscape, skyline and rural character of the area the proposal is therefore contrary to Policies E1, E7 and H7 of the Northampton Local Plan and the overarching intentions of the National Planning Policy Framework.

- 3.2 The applicant (the HCA) appealed against the refusal of planning permission. On 19 December 2014 the Secretary of State recovered the appeal for his own decision because it involved a proposal for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. The appeal was considered at a public inquiry held over 9 days starting on 16th June 2015.

4. THE SECRETARY OF STATE'S DECISION

- 4.1 The Inspector who held the public inquiry recommended that the appeal be allowed and on 29th February 2016 the Secretary of State wrote to the appellants advising that having considered the Inspector's report, he agreed with the Inspector's conclusions and recommendation. Accordingly, the Secretary of State allowed the appeal and granted outline planning permission for the proposed development, subject to 32 conditions and a sealed S106 Planning Agreement dated 29th July 2015.
- 4.2 The main reasons for the Secretary of State's decision are that Northampton cannot demonstrate a 5 year housing land supply and that the site was identified as a sustainable urban extension in a recently adopted local plan (the West Northamptonshire Joint Core Strategy). The Secretary of State considered the effect of the proposal on a number of issues raised during the public inquiry: the character and appearance of the area; traffic movement, the Brackmills Industrial Estate, Housing supply; Infrastructure, facilities and services; Hardingstone Conservation Area; Nature conservation; Retail development, Economic implications; and Localism.

Character and appearance

- 4.3 The Secretary of State acknowledged that the size and nature of the development would involve a major change to the landscape and appearance of the area and that there would therefore be a degree of conflict with Policy BN5 of the Joint Core Strategy, as argued by the Council at the public inquiry. However, the Secretary of State agreed with the Inspector that the proposed development would not have a significantly detrimental effect.

Traffic movement

- 4.4 The Secretary of State agreed with the Inspector that, with the mitigation measures proposed, the transport effects of the development can be accommodated on the road network and that the traffic effects would be adequately mitigated. The Secretary of State accepted some aspects of the Council's case concerning the impact of additional traffic on the highway network. Specifically, he agreed with the Inspector's concerns about the uncertain effects of the proposed signalisation at Pavilion Drive and the addition of a fifth lane at the Queen Eleanor roundabout. Nevertheless, he concluded that the residual cumulative impacts of the development would not be severe.

Brackmills Industrial Estate

- 4.5 The Secretary of State considered the concerns of businesses on the estate about the road network and access but he concluded that the proposed development would benefit the operation of the BIE.

Housing supply

- 4.6 The Secretary of State noted that the Council had accepted that there is not a 5 year housing land supply in Northampton. He agreed with the Inspector that in calculating the housing requirement, a 20% buffer should be applied (rather than a 5% buffer as argued by the Council). This is because he

considered that the shortfall in housing completions during 2006-11 and the cumulative shortfall of 2,929 dwellings up to 2013/14 amount to persistent under-delivery of housing.

- 4.7 The Secretary of State identified a number of benefits from the proposed development. These include the contribution it would make towards the housing land supply and the significant contribution towards affordable housing need.

Infrastructure, facilities and services

- 4.8 The Secretary of State was satisfied that the effect of the development on infrastructure, facilities and services do not present any insurmountable impediments to the granting of planning permission.

Hardingstone Conservation Area

- 4.9 The Secretary of State agreed with the Inspector that the proposed development would not detract from the setting of Hardingstone Conservation Area.

Nature conservation

- 4.10 The Secretary of State concluded that, subject to appropriate conditions to secure mitigation measures, the proposed development would not have an adverse effect on nature conservation.

Retail development

- 4.11 The Secretary of State noted that the main parties at the public inquiry agreed that the amount of retail floorspace proposed would be appropriate to serve the new residential community.

Economic implications

- 4.12 The Secretary of State agreed that the employment opportunities that would be provided by the development are an important benefit.

Localism

- 4.13 The Secretary of State agreed with the Inspector that the process undertaken, including that leading to the adoption of the Joint Core Strategy, were not contrary to the objectives of the localism agenda.

Conclusion

- 4.14 The Secretary of State concluded that the proposal represents a sustainable form of development which would accord with the development plan and that the adverse effects would not outweigh the benefits.

5. THE COST OF THE APPEAL

- 5.1 A leading Planning QC, supported by junior Counsel was engaged to present the Council's case at the public inquiry. The Council also engaged a team of experienced expert witnesses to provide evidence on Planning, landscape

and transport issues. There were further costs for accommodation (principally the hire of rooms at Franklins Gardens), printing and courier costs.

- 5.2 The total costs incurred by the Council in defending the appeal amounted to £463,826.83. The HCA agreed not to make an application for costs against the Council. Had they made a successful application for costs, the Council's bill would have been considerably higher.

6. CONCLUSIONS

- 6.1 Members will note that the appeal was allowed on the grounds that
- a) The Council cannot demonstrate a 5 year housing land supply
 - b) The site was identified as a sustainable urban extension in a recently adopted local plan
 - c) The proposal is sustainable, would accord with the development plan and not result in otherwise unacceptable impacts
- 6.2 The decision to refuse planning permission could have rendered the Council liable to potential costs following the unsustainable refusal of planning permission.
- 6.3 Whilst it is important that members are able to debate planning proposals and decide what weight to attach to the relevant planning policies, and what they consider to be the material considerations, it is also important that residents have confidence that the decisions made will be balanced and capable of being robustly defended if challenged through the planning process.
- 6.4 In order to reflect on the appeal process relating to this application, it is proposed to hold a Planning Committee member training session to review the case. Members will be advised of the date of this, which is likely to be in the new municipal year.

7. LEGAL IMPLICATIONS

- 7.1 As set out in the report.

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.