



Appeal Decision

Site visit made on 6 August 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/W2845/W/23/3333931

73 Great Russell Street, Northampton, West Northamptonshire NN1 3BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Karu Kudithambi on behalf of Headcorn Constructions Ltd against the decision of West Northamptonshire Council.
 - The application Ref is WNN/2023/0351.
 - The development proposed is 19no apartments (revised scheme following approval of WNN/2021/0035).
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Decision

1. The appeal is allowed and planning permission is granted for development of 19no apartments (revised scheme following approval of WNN/2021/0035) at 73 Great Russell Street, Northampton, West Northamptonshire NN1 3BU in accordance with the terms of the application, Ref WNN/2023/0351, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Karu Kudithambi on behalf of Headcorn Constructions Ltd against the decision of West Northamptonshire Council. This application is the subject of a separate decision.

Background and Main Issue

3. The Council's statement explains that, had it been able to determine the application it would have recommended planning permission be granted subject to conditions.
4. The appeal site has full, extant planning permission for provision of 19 flats with basement parking¹. The Council is satisfied the viability assessment demonstrates the proposal would not be viable were basement parking provided, and I have been presented no evidence to dispute this conclusion. It is my understanding that the appeal proposal differs from the consented scheme in so far as the basement parking would be omitted.
5. In the absence of on-site parking provision, the local highway authority (LHA) objects to the proposed development stating it would not satisfy the Council's minimum parking standards and would increase demand for on-street parking. In light of the LHA's comments, I consider the main issue in this appeal to be the effect of the proposal on highway safety.

¹ LPA ref: WNN/2021/0035

Reasons

6. The appeal site is a vacant plot of land surrounded by existing development, within Northampton's urban area and on the edge of the town centre. Behind the site are commercial properties which front onto Earl Street. The rear yards of commercial premises dominate the western side of Great Russell Street. Opposite the site is an event venue and a row of recently built terrace dwellings. A new residential development has been constructed after the turning head at the end of the street, beyond which lies a supermarket. Whilst there are a mix of uses in the site's immediate surroundings, the wider area is predominantly residential and urban in character, comprised of compact rows of terrace dwellings.
7. The appeal site is within an area with high demand for on-street parking. Whilst parking is prohibited by double yellow lines on the eastern side of Great Russell Street, parking bays are demarcated along the western side of the carriageway. Great Russell Street lies outside the controlled parking zone and therefore offers some opportunity for uncontrolled on-street parking.
8. The proposed development would comprise five two-bedroom and 14 one-bedroom dwellings. The dwellings would accommodate small households, and therefore would be expected to have lower rates of car ownership than other forms of residential development such as family housing.
9. The site's northern boundary abuts Charles Street, which offers a pedestrian route from Great Russell Street to Earl Street which hosts a row of shops, services, and a supermarket. The site is also within walking distance of Northampton's town centre, local parks, sports facilities, and public transport. The proposed development would be near local services and the town centre, and therefore is in an accessible location.
10. Great Russell Street provides no through route for vehicles, and therefore is expected to experience relatively low traffic volumes. The street is served by pedestrian footways on each side and has street lighting. The proposed development would therefore be served by pedestrian infrastructure.
11. The proposed development would provide two enclosed bike stores of sufficient size to meet the development's requirements for cycle storage, as required by the Northampton Parking Standards Supplementary Planning Document 2019 (SPD). Therefore, the development would include suitable provision for cyclists.
12. As set out above, the proposed development type is not expected to have high levels of car ownership. The site is in an accessible location with provision for pedestrians and cyclists and therefore future occupants would not be dependent on use of a car to meet their day-to-day needs.
13. The Parking Beat Survey demonstrates there is sufficient availability for permit-controlled on-street parking within a reasonable distance from the site to accommodate the development. Therefore, were the proposed development to increase demand for on-street parking, the evidence does not suggest this would be to the detriment of highway safety.
14. The Northampton Parking Standards SPD 2019 sets out principles for car parking and cycle provision and is intended to be read in conjunction with the Northamptonshire Parking Standards 2016, which provides detailed parking standards by development type.

15. In an allowed appeal for 24 dwellings at 9 Mill Road, Wellingborough, Northamptonshire NN8 1PF², the Inspector found the Northamptonshire Parking Standards incorrectly treat one-bedroom flats as family homes, which typically have higher levels of car ownership, and fail to differentiate between proposed developments with good access to services, facilities and public transport, and those that have poor access. The Inspector concluded the Northamptonshire Parking Standards do not comply with the National Planning Policy Framework (the Framework) which, at paragraph 111, advises that in setting parking standards matters including accessibility and car ownership be considered. In addition, the Inspector concluded there was insufficient evidence to demonstrate the Northamptonshire Parking Standards constitute a supplementary planning document or form a part of the development plan. For these reasons, the Inspector attached little weight to the Northamptonshire Parking Standards in determining the appeal.
16. The Northamptonshire Parking Standards require one parking space per one-bedroom dwelling and two parking spaces per two-bedroom dwelling. The proposed development would include no parking provision, and therefore would fail to satisfy the parking standards. However, I have been provided no further evidence of the Northamptonshire Parking Standards' status within the development plan. Nor have I been provided information to suggest the standards adequately reflect the criteria of Framework paragraph 111. Consequently, I attach little weight to the scheme's conflict with the Northamptonshire Parking Standards.
17. I also note the examples of other residential developments without on-site parking provision recently granted permission by the Council at nearby sites. These include eight apartments at L H Jaffa Car Park site, Albert Place³, and 22 flats at 14-18 St Michaels Road⁴. For each example, the absence of on-site parking was deemed to be acceptable for reasons including the location within walking distance of the town centre and public transport. I have been presented no evidence to suggest the appeal proposal materially differs in its effects from those other similar schemes.
18. As set out above, whilst the proposed development would not comply with the Northamptonshire Parking Standards, I afford only little weight to this conflict. The proposed development would be in an accessible location offering genuine choice of transport modes and is not expected to generate high levels of car ownership. The proposed development would not therefore have severe or unacceptable effects on highway safety.
19. The proposal would therefore comply with Policy MO4 of the Northampton Local Plan Part 2 (2023) which requires proposals satisfy the principles set out in the Northampton Parking Standards SPD 2019. In addition, the proposal would accord with paragraph 115 of the Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

² Appeal Decision APP/H2835/W/17/3191201

³ LPA ref: WNN/2021/0949

⁴ LPA ref: N/2019/1055

Other Matters

20. The appeal site is located within the Boot and Shoe Quarter Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In addition, Section 66(1) of the Act requires I have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.
21. Northampton's Boot and Shoe Quarter Conservation Area Appraisal and Management Plan 2011 (CA Appraisal) summarise the significance and special interest of the CA as an intensely urban, former industrial area, with a dense concentration of factories and specialist buildings associated with footwear production. The area has the town's greatest density and range of boot and shoe related buildings, from which it is possible to trace the story of footwear production processes and their changes over time through examples of surviving buildings. The CA contains architecturally and historically important buildings, built with great homogeneity of materials, mainly locally made brick, set within a coherent framework of residential streets, developed over a short period of time, and retaining a largely unaltered street pattern. The area has a strong and unusual visual coherence and sense of place.
22. The site is a vacant plot, cleared of its former buildings, and has an unkempt and overgrown appearance. The site currently has a negative impact upon the CA's character. The Heritage Impact and Justification Statement indicates the proposed design includes traditional features found in the area and seeks to respond positively to the local character and key features. The heritage statement identifies benefits to the area's character including the improvement in the appearance of the vacant site. The appeal scheme largely reflects the previously approved development in terms of design, scale, bulk and massing and the Council's Conservation Officer notes the similarity to the previously approved scheme and raises no objection. The proposed development would comprise a dense and urban form of development which would conform to the existing street pattern and would appear in-keeping with surrounding development. I am therefore satisfied the proposal would preserve the character and appearance of the CA and would therefore comply with the Act.
23. The Grade II Listed Territorial Army Centre and Drill Hall is located at Clare Street. The building is a former militia armoury and drill hall, constructed in the mid-18th century of brick with stone dressings and slate roof, in a picturesque fortified gothic revival style. On the approach from Great Russell Street, the drill hall's frontage is visible beyond the junction with Clare Street. The siting of the proposed development would not significantly affect views of the drill hall building from public vantage points, such as the carriageway and footway of Great Russell Street. The drill hall building is fairly distant from the appeal site and is physically separated by the street pattern and other built development between the site and listed building. The Heritage Impact and Justification Statement identifies no harm to listed buildings or their settings. The proposal would have a neutral effect on, and thus preserve, the listed building, its setting, and features of special architectural and historic interest.

Conditions

24. The Council has provided a list of suggested conditions, including pre-commencement conditions, which I have considered against the provisions of the Framework. The appellant has confirmed their agreement to all suggested conditions, which includes pre-commencement conditions.
25. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.
26. To minimise the impact of construction on the living conditions of neighbours and highway safety, I have attached a condition requiring submission and approval of a Construction Environmental Management Plan. To enhance biodiversity, I have attached a condition requiring submission of details of bird and bat bricks.
27. To ensure suitable living conditions for future occupants, I have attached conditions requiring submission of details of the ventilation system; provision of bin and cycle stores; and implementation of a strategy for crime prevention.
28. In the interests of maintaining the environment and public health, I have attached conditions requiring investigation and risk assessment of land contamination and specifying the course of action in the event contamination is discovered during construction.
29. To reduce the risk of flooding in accordance with the recommendations of the water undertaker, I have attached conditions requiring submission of details for the provision and management of a surface water drainage systems.
30. To ensure the developments harmonises with its surroundings and to maintain the character of the area, I have included conditions requiring submission of details of external materials and hard and soft landscaping, and submission of details of ground levels and finished floor levels.
31. To maintain privacy of occupants of neighbouring properties, I have attached a condition specifying obscure glazing of certain windows.
32. The proposed building would be sited close to the highway boundary. Reflecting the recommendations of the local highway authority, and in the interests of maintaining highway safety, I have attached a condition requiring foundations and external features not encroach upon the highway.

Conclusion

33. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: *Site Location Plan 21002/2D; Ground and First Floor Plan 21002/7; Second and Roof Plan 21002/8; and Proposed Elevations 21002/9.*
- 3) Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
 - (i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - (ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - (iii) Details of the siting of all vehicles of site operatives and visitors.
 - (iv) The unloading and loading arrangements for heavy plant and machinery.
 - (v) The location, extent and duration of any temporary stockpiling areas.
 - (vi) Measures to prevent mud being deposited on the surrounding highway.
 - (vii) Hours in which development will take place.
 - (viii) Non-road mobile machinery (NRMM) controls.
 - (ix) Details of temporary site storage, welfare facilities and contractor parking.

The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

- 4) Prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
- 5) Prior to the commencement of development above slab level details of bird and bat bricks to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 6) Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to

assess the nature and extent of any contamination of the site, whether or not it originates on the site.

The contents of the scheme are subject to approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be subject to approval in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 7) Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and shall be subject to approval in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 8) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be submitted for approval in writing by the Local Planning Authority.

- 9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7 above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 8.

- 10) Prior to the commencement of development full details of an active ventilation system for all flats shall be submitted to and approved in writing by the Local Planning Authority. The approved ventilation system shall be provided prior to first occupation of the development and retained at all times thereafter in a fully working condition.
- 11) The development shall be undertaken in full accordance with the construction and glazing specifications set out within NoiseAir Report Reference P5254-R1-V1 produced for Headcorn Constructions Ltd dated 7th February 2022.
- 12) No above ground development shall take place until full details of the surface water drainage scheme for the site, based on Drawing 1429 01B Drainage Layout, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:
 - Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- 13) No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.
- 14) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site, based on the approved details, has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
 - Any departure from the agreed design is keeping with the approved principles
 - Any As-Built Drawings and accompanying photos
 - Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - CCTV confirmation that the system is free from defects, damage and foreign objects.
- 15) Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials shall be

submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.

- 16) No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site.

All planting, seeding or turfing agreed within the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Hard landscaping shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted and retained thereafter.

- 17) Prior to the construction of the development hereby approved above ground floor slab level, a crime security measures strategy for crime prevention for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for crime security shall be implemented in full accordance with the approved details prior to first occupation of the residential units hereby approved and retained thereafter.
- 18) Prior to first occupation of the development hereby approved, the bin and bike store as shown within plan 21002/7 shall be provided on site and shall be retained for the secure storage of bins and bikes at all times thereafter.
- 19) The following windows as shown within approved plans 21002/7 and 21002/8 shall be glazed with obscure glass to Level 3 or higher of the Pilkington scale of privacy or equivalent and fixed shut up to 1.7 metres from internal finished floor level prior to first occupation and retained in that form at all times thereafter;
- Bathroom window to flat G1;
 - Bathroom and hall windows to flat F6;
 - Bathroom and hall windows to flat S13;
 - All communal corridor windows facing westwards and southwards over the flat roof central void.
- 20) No part of the development including windows, foundations, sills, openings and other elements shall encroach on the public highway at any time.

END OF SCHEDULE