



Appeal Decision

Site visit made on 27 April 2021

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/G2815/W/20/3266151

Land to R/O 13-21 High Street, Irthlingborough NN9 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Resham PLC against East Northamptonshire Council.
 - The application Ref 20/00997/FUL, is dated 13 August 2020.
 - The development proposed is erection of block of 8 flats with associated vehicular access, parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of block of 8 flats with associated vehicular access, parking and landscaping, at Land to R/O 13-21 High Street, Irthlingborough NN9 5TE, in accordance with the details of the application and subject to the attached Schedule of Conditions.

Procedural Matters

2. Since the appeal was submitted East Northamptonshire Council has merged with other local planning authorities (LPAs) to form North Northamptonshire Council. The respective development plan policies for each of the merged LPAs remain in place until such time as they are revoked or replaced. I have therefore determined the appeal based on the relevant development plan policies of what was East Northamptonshire Council.
3. A revised National Planning Policy Framework (the Framework) was published in July 2021, following submission of the appeal. The main parties were given the opportunity to comment on whether it had any significance to the appeal. I have taken account of the revised Framework and the comments received in reaching my decision.
4. East Northamptonshire Council submitted a Local Plan Part 2 for Examination in March 2021. The Emerging Local Plan (ELP) is currently under examination. Having regard to paragraph 48 of the Framework, I have not been provided with any information regarding whether there are any unresolved objections to policies in the ELP or if the policies are consistent with policies in the Framework. At this stage, I therefore attach little weight to policies in the ELP.
5. The appellant submitted another appeal simultaneously with this one, Ref APP/G2815/W/20/3265389, relating to a site adjacent to the south-eastern boundary of the appeal site. As the appeal was dismissed, there is no need for me to have regard to that scheme in this appeal.

6. Following submission of the appeal the Council granted planning permission on a site adjacent to the north-western boundary of the appeal site, Ref NE/21/00421/FUL (the PP). This approved development of 8 flats above the commercial units forming 13-21 High Street uses the access that is proposed for the appeal under consideration here. I have had regard to the PP in reaching my decision.
7. Reference has been made in representations to an emerging Irthlingborough Neighbourhood Plan (INP). However, the Officer Report to Planning Committee for the PP states that there was no draft or submitted INP, and I have not been informed that the situation has changed. Consequently, this has had no significant bearing on my decision.
8. The site is located within the 3 km buffer of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), a European Designated Site protected due to the number and type of bird species present. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. I have therefore considered this matter as a main issue.
9. The Council has confirmed that the appellant has provided a financial contribution via section 111 of the Local Government Act to mitigate against the impact of the proposal on the integrity of the SPA. During the appeal the main parties were asked whether there was a mechanism in place that would guarantee the payment made would be used for its intended purpose. I have had regard to the comments received in reaching my decision.

Main Issues

10. The Council has set out in its statement of case what its objections would have been had it determined the application. Taking these into account, along with my statutory duties, the main issues are therefore
 - whether the proposal would provide satisfactory living conditions for future occupiers of the proposed flats,
 - whether the proposal would have an unacceptable impact on highway safety,
 - the effect of the proposal on the integrity of the SPA, and
 - the effect of the proposal on heritage assets, including the extent to which it would preserve or enhance the character or appearance of the Irthlingborough Conservation Area (ICA) and the effect on the setting of the Grade I Listed Building (LB) St Peter's Church.

Reasons

The site

11. The site is a car park located in the town centre of Irthlingborough, to the rear of numbers 13-29 High Street. It is privately owned and most recently served the commercial units that occupied Nos 13-21 High Street. The units were vacant at the time of my site visit, and I understand they have been vacant for some years.

12. The site sits between commercial uses of the type usually found on a town centre high street, and predominantly residential uses broadly south of the site. There is a motor vehicle maintenance/repair and MOT garage (the garage) adjacent to the south-western boundary; the Louisa Lilly Almshouses, a Non-Designated Heritage Asset (NDHA), are located adjacent to the south-eastern boundary and west of the access; and there are residential properties adjacent to the north-eastern boundary of the site, fronting St Peters Way.
13. The existing/proposed access is located at the south-eastern corner of the site, where the ground level rises from St Peters Way to the car park. The access is directly opposite the western boundary of, and a main entrance to, the grounds of St Peter's Church. The main area of the site lies within the ICA.

Living conditions – future occupiers

14. The proposal consists of a 2-storey block of 8 flats, 4 on the ground floor and 4 on the first floor. The south-western facing elevation, ie the elevation that would face the garage, would have no windows in it. There would be windows serving habitable rooms in the other 3 proposed elevations. Those on the north-western facing elevation would face the direction of the B571 High Street and the rear of the commercial properties numbered 13-29 High Street. Private outdoor space for the flats would consist of terraces for the units at ground floor level and balconies for the units at first floor level. These would be sited on the south-eastern facing elevation of the proposed building, ie facing away from High Street and the commercial properties numbered 13-29; and also to the rear of the main doors of the garage, facing in the opposite direction to the garage door openings.
15. The key sources of potential noise disturbance to future occupiers of the proposed flats would be traffic and neighbouring commercial premises, emanating especially from the main door openings of the garage and existing extraction and ventilation equipment located on the rear of some of the high street premises Nos 13-29. The main areas of the proposed flats where future occupiers could experience noise disturbance from such sources would be in rooms within the flats and outside on the terraces and balconies.
16. The nearest proposed habitable room windows, terrace, and balcony to the main door openings of the garage would be around 8-9 m away. The nearest proposed habitable room windows on the elevation that would face the rear of the neighbouring commercial premises on High Street, and the existing extraction and ventilation equipment, would be around 20 m from the premises/equipment. The parade of properties 13-29 High Street is a two-storey block, which is located between High Street and the proposed block of flats.
17. I acknowledge the Council's concerns regarding methodological matters associated with the appellant's noise assessments, and consequently the conclusions reached, and recommendations proposed. However, in addition to the most up-to-date noise assessments specifically undertaken for the proposal, I have had regard to the subsequent noise assessments undertaken for the purposes of the PP that the Council granted after this appeal was submitted.
18. As noted, the appeal site and the site of the PP are next to each other. The rear elevation of the approved flats in the PP would face the appeal site, and the

front elevation would face High Street. There would be habitable room windows in both front and rear elevations. Future occupiers of both the approved and proposed flats would be within proximity of the same key sources of potential noise disturbance.

19. The noise assessment for the PP addressed many of the Council's key concerns regarding the noise assessments for the proposal before me. Thus, the attended monitoring location used was a little nearer to the key noise sources; the period of attended monitoring was greater; COVID 19 did not have any significant effect on site conditions/circumstances when undertaking assessments; all existing extraction and ventilation units were included in the assessment, and flats at first-floor level were considered.
20. The Council was satisfied with the Acoustic Planning Report (APR) that accompanied the application that was granted PP, concluding that, subject to a condition requiring the approved development to be completed in accordance with glazing specifications recommended in the APR, the development would provide satisfactory living conditions for future occupiers of the flats with respect to noise disturbance.
21. The APR associated with the PP concluded that: the calculated internal noise levels were within relevant standards as recommended by BS8223:2014 (BS8223) and the Professional Practice Guidance on Planning & Noise (ProPG), with use of openable windows; the site constitutes a low to negligible risk with regard to noise without additional screening, and that noise from the garage would have a low impact.
22. I accept that there are some differences between the PP and the proposal before me. In particular, the block of flats proposed would be nearer to the garage than the approved flats and the flats include outdoor amenity areas. Additionally, the proposed flats would be much further from both High Street and the existing extraction equipment on the rear of High Street commercial premises than the approved flats. Consequently, the results in the assessments that were carried out for the PP, the conclusions reached, and the recommendations proposed are not specific to the proposal before me.
23. However, I am satisfied that there are sufficient similarities between the 2 schemes for meaningful comparisons to be made, ie the types of development, their locations, proximity to the same key noise sources, and potential for future occupiers to experience noise disturbance from such sources. I am also satisfied that the methods used, results obtained and the mitigation recommendations of the respective noise assessments, when considered together, provide an acceptable assessment of the likely impact of noise on the living conditions of future occupiers of the proposed flats. For all the above reasons, I attach significant weight to the APR submitted with the PP.
24. Given that the nearest habitable room windows in the proposed block of flats would be over 25 m from the front windows in the PP, which front High Street, and the two-storey parade of commercial premises that constitute 13-29 High Street would sit between High Street and the proposed building, the noise level from traffic on High Street would be lower at the proposed building than the approved flats.
25. Also, given that habitable room windows in the proposed elevation facing the rear of the commercial premises 13-29 High Street, and therefore the existing

extraction units, would be around 20 m from the extraction units, the noise level from the extraction units would be lower at the proposed building than the approved flats.

26. Bearing the above factors in mind, the key issue outstanding therefore relates to the effect of noise emanating from the garage on the living conditions of future occupiers of the proposed flats. The Council considered that noise from commercial activity, individually or cumulatively, *may*¹ result in a significant adverse impact on the health and quality of life of future occupiers. Additionally, the Council considered that "*an exceptionally high level of mitigation would be required which would include that windows need to be closed at all times.*"
27. However, the most up-to-date APR for the appeal proposal and the APR for the PP both conclude that the dominant noise source is road traffic, coupled with occasional noise from the garage, and that the respective sites constitute a low to negligible risk². The APR for the PP found that the indicative daytime noise level was 50 dB LAeq and the night-time level was 46 dB LAeq. The APR for the appeal proposal found that the respective levels were 51 dB LAeq and 46 dB LAeq. Hence, with respect to background noise levels during the night, the findings were the same; and with respect to background noise levels during the day, there was only 1 dB LAeq difference between the findings³. The APR for the appeal proposal found that the garage noise level was 0.7 dB LAeq above the prevailing background noise level; and the APR for the PP found that garage noise levels were 2 dB LAeq below the prevailing background sound level.
28. Hence, although some habitable room windows and outdoor amenity areas in the appeal scheme would be nearer to the garage than windows in the PP, the additional level of noise from the garage is not significant. Nevertheless, to ensure a reduction in specific sound level, and to meet both the recommended internal noise standards and standard for outdoor amenity areas of terraces and balconies⁴, the APR for the appeal proposal recommends the following mitigation measures: 1) a 2 m high fence along the site boundary, except for where there is currently a metal spiked security fence (ie along the section of the boundary between the front of the garage and the rear of the commercial properties on High Street) where a solid barrier should be constructed with a material having a mass per unit area of at least 7kg/m²; 2) the external wall fabric to be constructed with a sound insulation performance, dB RW, of 50; and 3) the glazing to be inserted to have a dB RW of 29.
29. The recommended mitigating building construction measures regarding the external wall fabric and glazing are the same in the APR for the appeal proposal as they are in the APR for the PP. The only recommended mitigation measure in the appeal APR that is different to the mitigation measures recommended in the PP APR is boundary treatment. I therefore consider that the proposed mitigation measures do not constitute "*an exceptionally high level of mitigation*". Additionally, although the dB RW values in the appeal APR are based on 'hit and miss' trickle ventilation, the APR states that, "*should a*

¹ My emphasis.

² With reference to the risk levels provided by ProPG.

³ For reference, a level increase of 3 dB is likely to represent a just noticeable difference in sound level. Ref Acoustic Planning Report 38-04.DM.1120.APR.1, produced by Completely Sound, 18/11/2020.

⁴ That is, the standards recommended by BS8233, ProPG and the World Health Organisation (WHO).

passive ventilation strategy be favoured a thermal double-glazed unit achieving a sound insulation performance of 29 dB RW will be required...to achieve the [desired] noise levels in all units." Hence, windows would not "need to be closed at all times".

30. The above factors lead me to conclude that, subject to suitable conditions regarding construction, glazing and boundary treatment specifications, future occupiers of the proposed flats would not be subject to any level, frequency of occurrence or duration of noise deemed to be unacceptable in guidance provided by the relevant BS, the ProPG and the WHO. I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers. As such, the proposal accords with Policy 8(e) of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS), and sub paragraph 130(f) of the Framework. Collectively, and among other things, these policies seek to ensure that new development provides satisfactory living conditions for future occupiers.

Highways matters

31. The proposal comprises of 6 modest-sized 2-bedroom and 2 one-bedroom flats, and 8 car parking spaces. The Council does not have any adopted parking standards. The standards referred to for guidance in submissions are those of Northamptonshire County Council: Northamptonshire Parking Standards 2016 (NPS). As noted by the Inspector in determining a previous appeal referred to in submissions, Ref APP/G2815/W/17/3181795, these standards do not form part of the development plan. Therefore, whilst I have considered them as part of my reasoning, they carry limited weight.
32. The Council's statement refers to residential car parking space standards in the NPS being 3 m (W) x 5.5 m (L). The Council contends that the proposed residential car parking spaces measure 2.4 m (W) x 4.8 m (L), and therefore they would be smaller than the size recommended in the NPS guidance. However, this standard relates to residential development with a driveway, whereas the recommended size of a residential car parking space in a parking court is 2.5 m (W) x 5 m (L).
33. The Council considered the car parking spaces associated with the PP to represent parking court parking, and as such accepted car parking spaces measuring 2.5 m (W) x 5 m (L), thereby adhering to the guidance on size in the NPS for parking court parking. I consider the residential car parking spaces associated with the proposal to constitute parking court parking for the purposes of guidance within the NPS.
34. The appellant submitted a copy of the proposed site plan, drawing number 04, with their final comments. It has been confirmed that measurements of the proposed car parking spaces were added to this drawing for clarification purposes. The measurements provided show the proposed residential car parking spaces all measure 2.5 m (W) and somewhere between 6.727 m and 7.071 m (L) when measured close to the centre of their length.
35. As the proposed spaces would be laid out at an angle to the adjacent access road and footpath around the base of the proposed building, the spaces would not actually be able to accommodate vehicles measuring 6.7 m long without them projecting into the proposed access road and/or over the proposed footpath.

36. However, even if the proposed spaces do measure 2.4 m (W) when scaled from the original drawing, I consider 8 spaces each measuring 2.5 m (W) could readily be provided within the perimeter of the proposed residential car parking area shown on drawing number 04, without extending its perimeter. This could be controlled by condition. I am satisfied that the spaces of the length proposed with a minimum width of 2.5 m would provide functional, residential car parking spaces within the site.
37. Guidance in the NPS suggests that 14 residential car parking spaces should be provided for the proposal. As 8 spaces are proposed there would be a shortfall of 6 spaces. The Council also considered the proposal the subject of appeal Ref APP/G2815/W/20/3265389 in the context of appraising the current proposal, concluding that a cumulative under supply of spaces would result in increased demand for on-street parking in the area. This was considered to have a detrimental effect on use of the highway network.
38. As noted above, appeal Ref APP/G2815/W/20/3265389 was dismissed and is therefore no longer a consideration. The town centre location of the site would provide future occupiers of the proposed flats with access by foot to a range of facilities and services to meet day-to-day needs. Future occupiers would also be within walking distance of public transport buses. Cycle storage for 14 bicycles is proposed to encourage future occupiers to use cycling as a mode of transport. Additionally, there are several public car parks within proximity of the site, should additional car parking capacity be required by, for example, visitors to the flats. As noted, the car park is privately owned, and although it appears to have been used in recent times by members of the public, there would be no displacement of parked vehicles from a car park that the public are authorised to use.
39. Concerns have been raised in respect of the proposed site access and layout and whether there would be sufficient space for users other than future residents to access, manoeuvre within, and exit the site in a safe manner. The range of plans and documents submitted, including swept path analyses, indicate that the proposed access and layout would ensure safe and functional access to, manoeuvring within, and exit from the site by vehicles other than those used by future residents. That is, vehicles serving the commercial units on the ground floors of 13-21 High Street, refuse collection vehicles, and/or emergency services vehicles.
40. The Local Highway Authority expressed concerns about the suitability of the access from High Street onto St Peter's Way. Although the existing car park is not a public car park, during my site visit I observed around 16 cars parked within the site, and vehicles were entering and exiting the site whilst I was present. The Inspector that dealt with appeal Ref 3181795 also observed cars parked on the site during her visit. These observations suggest that the site has been used in recent times by a level of traffic not significantly different to the extent of use of the site as proposed. Additionally, I have not been provided with any evidence that there have been accidents at the junction of High Street and St Peter's Way due to vehicles using the car park.
41. I consider the vehicle access from High Street onto St Peter's Way to be sufficient for the purposes of serving the proposed development. Additionally, there is a pavement on the western side of St Peter's Way extending from the site access to High Street, which would be sufficient to serve pedestrians on

foot. I therefore consider that the proposal would not lead to an unacceptable highway safety issue at the junction of High Street and St Peter's Way. Consequently, it would not be reasonable to require any alterations to the junction for the purposes of the proposal.

42. Bearing all the above factors in mind, I consider the number of proposed residential car parking spaces and their layout would, subject to a condition requiring them to have a minimum width of 2.5 m, provide a sufficient level of on-site residential car parking laid out in a functional manner. I also consider the proposed access and layout to be functional and safe for the range of vehicles that would require access to the site. Additionally, the proposed plans denote footways to be provided from the access into the main site area, along with pedestrian crossing areas to the proposed flats and the Louisa Lilly Almshouses.
43. For the above reasons, I therefore conclude that the proposal would not have an unacceptable impact on highway safety. As such, the proposal accords with Policy 8(b)(ii) of the JCS and paragraphs 110 and 130(a) of the Framework. These policies collectively, and among other things, require development to provide a safe and suitable means of access for all, make suitable provision for parking, servicing, and manoeuvring, ensure development will function well, and provide appropriate opportunities to promote sustainable modes of transport. Additionally, paragraph 111 of the Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Integrity of the SPA

44. The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document - Addendum to the SPA SPD: Mitigation Strategy (2016), (Addendum to the SPA SPD), states that the evidence produced to inform the production of the Councils' Local Plan concluded that the in-combination impact of proposals involving a net increase of one or more dwellings within a 3km radius of the SPA will result in a significant effect on it⁵, unless avoidance and mitigation measures are in place. The SPA is designated for its international importance as wetland habitat for non-breeding waterbirds. An increase in dwellings would result in an increase in visitors to the SPA; which would in turn increase the level of disturbance to feeding and roosting birds due to activities such as dog walking, water-sports and fishing.
45. Natural England has confirmed that the proposal is within the zone of influence of the SPA and as such would contribute to recreational disturbance impacts to the bird populations for which the SPA has been designated. A mitigation strategy for such impacts is set out in the Addendum to the SPA SPD, which states that making a financial contribution towards Strategic Access Management and Monitoring (SAMM), and/or other suitable mitigation, would reduce the adverse impact of increasing numbers of people visiting the SPA⁶.
46. The Addendum to the SPA SPD also states that the SAMM contribution is a legal obligation to mitigate against effects on a European site; and advises that following the process set out in the document will be quicker and more efficient

⁵ Paragraph 1.2 of the Addendum to the SPA SPD

⁶ Paragraph 1.4 of the Addendum to the SPA SPD

for applicants than the requirement to undertake a project level Habitats Regulation Assessment for all residential development applications⁷. Other than via a section 106 legal agreement, a contribution to the SAMP can be made to the Council via section 111 of the Local Government Act 1972⁸. The Addendum to the SPA SPD confirms that for developments of 9 or fewer dwellings, a fixed contribution of £269.44 per dwelling (index linked, with a base date of 2016) for SAMP is required.

47. The mitigation measures and processes for securing them outlined in the Addendum to the SPA SPD have been approved by Natural England. The contributions are held by the Council and drawn down by implementing bodies for the SAMP. The Council has confirmed that there are ongoing meetings involving the Council, the Wildlife Trust (one of the management bodies) and Natural England to monitor activities and identify appropriate mitigation projects. The Council has confirmed that the appellant has provided the required financial contribution via section 111 of the Local Government Act 1972. I am satisfied that appropriate mitigation has been secured to address the adverse impact of the proposed development; and I consider the Council has appropriate measures in place to provide me with the surety that the contribution would be spent on the necessary mitigation. As such, I conclude that the integrity of the SPA would be maintained.
48. The proposal therefore accords with Policy 4 of the JCS and guidance in The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document, (2016), and the Addendum to the SPA SPD: Mitigation Strategy, (2016). The policy and guidance seek to protect existing biodiversity assets, including key assets of wildlife, the UNVGPSA being one of them. Developments that are likely to adversely affect the UNVGPSA must satisfy the Habitats Regulations and mitigate against the identified impacts.

Heritage assets

49. Concerns have been expressed regarding the effect of the proposal on the ICA, the Grade I listed St Peter's Church and the Louisa Lilly Almshouses NDHA, due mainly to the design and the external materials proposed. I have a statutory duty under s72(1) and s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and preserving the setting of LBs.
50. As summarised by the previous Inspector, the ICA derives its significance from the presence of 19th Century buildings, particularly on High Street and College Street, which were associated with the boot and shoe industry. Additionally, St Peter's Church and the Manor House provide evidence of a medieval core to the settlement.
51. The previous Inspector considered the undeveloped nature of the car park area provided a sense of openness that contributed to the character and appearance of the ICA. In this context, the Inspector concluded that the previous proposal would not have preserved or enhanced the ICA, due to the unimaginative plain design, the elevated position of the proposed terraced dwellings and the car dominated layout.

⁷ Paragraph 3.3 of the Addendum to the SPA SPD

⁸ Paragraph 4.4 of the Addendum to the SPA SPD

52. However, as noted by the Council, the proposal before me is significantly different to the previous appeal scheme. Thus, there are no buildings proposed at the entrance to the site (as noted, an additional application was made for development close to the site entrance, ie the subject of the dismissed appeal Ref APP/G2815/W/20/3265389); the design of the building is evidently modern; the footprint of the building is smaller; the roof height is much lower; the building is sited more centrally within the car park area, and there is less car parking for future occupiers. Although the design of the building and proposed external materials do not correspond with the design or materials of the historic buildings located within the ICA, I consider the modern design and contemporary materials are more appropriate to the site and its immediate surroundings. Furthermore, although the proposed building would still be visible from St Peter's way, it would not be as prominent due to the reduced height, footprint, and mass, which would also retain more space around the building. Its scale would also be more in keeping with the scale of neighbouring buildings. For these reasons, I am satisfied that the siting, scale, modern design and proposed contemporary external materials, the specific details of which are secured by condition, would not harm the significance of the ICA and would preserve its character and appearance.
53. I agree with the conclusion of the previous Inspector that although St Peter's Church has a strongly defined curtilage, the setting of this Grade I LB extends beyond its curtilage. The LB mainly derives its significance from its history, dating to the 12th Century, and its many architectural details, including its tower. I consider the immediate space around the curtilage of the church contributes to the significance of its setting. The church is clearly visible from St Peter's Way, as well as being visible from within the appeal site. However, I am satisfied that the siting, design, scale, and external materials of the proposed building, as described above, would not adversely affect the way in which the church is perceived and experienced. As such I conclude that the proposal would not harm the setting and significance of the LB.
54. Additionally, although the proposed building would be on higher ground than the Louisa Lilly Almshouses, given the low-level roof design and the resultant distance of around 20 m from the nearest elevation of the proposed building to the boundary of the Louisa Lilly Almshouses, I conclude that the proposal would not have an adverse effect on this NDHA.

Other Matters

55. I note the suggestion that the site should be considered as part of a comprehensive redevelopment of a wider site, including the neighbouring commercial units on High Street, which, it is contended, would be in line with proposals in the emerging ELP. I have noted above that at this stage I attach little weight to policies in the ELP. In the absence of any existing policies that require me to do otherwise, I must appraise and determine the proposal on its merits, in the context of existing development plan policies. Nevertheless, as noted above, the Council has recently given planning permission for development related to the commercial units on High Street adjacent to the site. Consequently, development in this area has already been granted.
56. A concern has been raised regarding potential soil contamination. The attached conditions include measures to address any land contamination.

57. For the same reasons I have outlined with regard to the proposal not having an adverse effect on the NDHA, I conclude that the proposal would not have an adverse effect on the living conditions of existing occupiers of the Louisa Lilly Almshouses, with particular regard to privacy.

Conditions

58. Suggested conditions have been considered. Where necessary, I have amended the wording, amalgamated, omitted, and/or added conditions in the interests of reasonableness, clarity, precision, brevity and/or to avoid duplication, taking account of advice contained in the Planning Practice Guidance, the tests within the Framework and parties' comments. The appellant has indicated in their final comments that pre-commencement conditions pertaining to land contamination and archaeological investigations are acceptable.

59. I have attached a condition specifying the approved plans to define the terms of the planning permission and for the avoidance of doubt. I have attached a condition requiring details of external materials to be submitted and approved, to protect the character and appearance of the CA. A condition requiring archaeological investigation is attached to protect and preserve artifacts, if found, and in the interest of enhancing knowledge and understanding of the historic environment. A condition related to land contamination is attached in the interests of the health and safety of the public and wildlife. The Council suggested 5 conditions pertaining to land contamination. I have amalgamated the suggested conditions to form one condition in the interest of brevity, retaining the essence of each of the suggested conditions.

60. Approved drawing No. 05 includes proposed hard and soft landscaping details. This plan covers the appeal site and the site related to appeal Ref APP/G2815/W/20/3265389. As that appeal was dismissed, and as the Council has approved application Ref NE/21/00421/FUL since the appeal was submitted, which includes part of the appeal site, the appellant may wish to amend the landscape proposals accordingly. I have therefore attached a condition requiring details of landscaping to be submitted and approved, in the interest of the character and appearance of the area.

61. I have attached conditions requiring details of the construction and surfacing of the access, and specified the provision of on-site car parking, in the interest of highway safety.

62. I have attached a condition requiring the development to be completed in accordance with the construction, glazing and boundary treatment recommendations outlined in the most up-to-date APR, to ensure the proposal provides satisfactory living conditions for future occupiers with regard to noise disturbance.

Conclusion

63. For the reasons outlined above, I conclude that the proposal accords with the development plan as a whole, and therefore the appeal is allowed.

J Williamson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, labelled and numbered: -
 - Site Block Plan and Location Plan Drwg No. 07
 - Petrastone–Proposed Site Plan Drwg No. 04
 - Petrastone–Proposed Floor Plans & Elevations Drwg No. 02
 - Petrastone–Proposed Refuse & Cycle Storage Plans and Elevations Drwg No. 12
 - Petrastone–Proposed Section View Drwg No. 08
 - Proposed Landscape Plan Drwg No. 05 (in so far as it relates to the appeal site).
- 3) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI will include the following components, completion of each will trigger a phased discharging of the condition:
 - i) fieldwork in accordance with the agreed WSI,
 - ii) post-excavation assessment (to be submitted within six months of completion of the fieldwork, unless otherwise agreed in advance with the local planning authority), and
 - iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority.
- 4) The development hereby permitted shall not be commenced until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the

- local planning authority, within 5 working days of the report being completed, and approved in writing by the local planning authority.
- 5) Prior to the development hereby approved progressing above slab level, full details of the materials to be used in the construction of the external surfaces of the building hereby permitted, including samples, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 6) Prior to the development hereby approved coming into use, details of the construction of the site access, ie the access into the site off St Peter's Way, including surface materials to be used, shall have been submitted to and approved in writing by the local planning authority. The access shall be constructed and surfaced in accordance with the details approved and made available for use prior to any of the flats hereby approved being first occupied.
 - 7) No development shall take place above slab level until a scheme for the hard and soft landscaping of the site shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - i) proposed finished ground levels,
 - ii) hard surfacing and any other hard landscape features, including materials,
 - iii) any existing trees to be retained, and protection of trees (where relevant) during the construction phase,
 - iv) planting plans, including specifications of species, sizes, and percentage mix,
 - v) landscape features to provide enhanced biodiversity, and
 - vi) boundary treatments.
 - 8) The development shall be undertaken in accordance with the approved landscaping details. All hard landscaping shall be completed prior to any of the flats hereby approved being first occupied. All planting, seeding, or turfing comprised in the approved landscaping details shall be carried out within the first available planting season following occupation of the flats hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 9) The car parking spaces hereby approved shall be 2.5m wide and one car parking space shall be allocated to each of the flats. The spaces shall be laid out and available for use prior to any of the flats hereby approved being occupied. The spaces shall be retained without impediment to their designated use throughout the lifetime of the development.
 - 10) The development hereby approved shall be completed in accordance with the construction, glazing and boundary treatment recommendations outlined in the Acoustic Planning Report produced by Completely Sound, Ref 38-04.DM.1120.APR.1, dated 18/11/2020.

<<<<End of Schedule>>>>