

**Application Number:** WND/2021/0860

**Location:** Land at corner of Sywell Road/Kettering Road, Overstone

**Development:** Hybrid application for detailed approval for site access, provision of petrol filling station with convenience store, two food & drink units (with drive-thru lanes), retail units & 119 parking spaces & public access routes. Outline application (with matters of scale, access & layout to be determined) for an employment unit; a nursery, 21 parking spaces and public access routes

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**Applicant:** Peveril Securities Ltd

**Agent:** Carney Sweeny

**Case Officer:** Rebecca Grant

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**Ward:** Moulton

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**Reason for Referral:** Relates to Overstone Leys Sustainable Urban Extension

**Committee Date:** 17.10.2022

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PLANNING PERMISSION**

#### **Proposal**

Whilst this application falls within Overstone Leys local centre, as it falls outside of the parameters of the outline consent, this is a standalone application. The application is a hybrid application, a mixture of a full and outline application.

Detailed consent for the site access, petrol filling station, the two food units and the parade of retail units and outline consent for the employment unit and nursery.

The scale of the units being applied for are as follows;

Petrol filling station	418 sqm
Food and drink/coffee pod	167 sqm
Food and drink unit	232 sqm
Retail units	408 sqm
Nursery	456 sqm
Employment unit	557 sqm

#### **Consultations**

The following consultees have raised **objections** to the application:

- Moulton Parish Council, Overstone Parish Council, WNC Highways.

The following consultees have raised **no objections** to the application subject to conditions:

- WNC Highways, WNC Environmental Health, WNC Ecology, WNC Policy Team,

WNC Developer Contributions, Crime Prevention Design Advisor, WNC Archaeology, Anglian Water and National Highways.

55 representations from residents have been received following the consultation exercise, all objecting to the application on the following issues:

- Highway safety, proposed uses, sustainability

Councillor Warren and Councillor Cribbins have both submitted comments **objecting** to the application.

Overstone Parish Council have submitted a petition signed by 234 people objecting to the application.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on Highway Safety
- Health and Wellbeing
- Impact upon Residential Amenity/Noise
- Design
- Landscape and Ecology

The report looks into the key planning issues in detail, and the report concludes that the proposal is contrary to Policy N3 of the West Northamptonshire Joint Core Strategy which requires Northampton North Sustainable Urban Extension to have a local centre to include local retail facilities of an appropriate scale. It is not considered that the proposal meets the requirements of this policy as the proposal does not provide the types of facilities considered necessary to meet the needs of the local community. The proposal serves the needs to the passing trade of users of the A43.

In addition, the Council is not in a position to determine the application at this stage as insufficient information has been submitted to address the impacts of noise from the development upon residential amenity.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

1.1 Overstone Leys is located to the north of Northampton.

1.2 Outline planning permission (ref DA/2013/0850) was approved in 2015 for the Sustainable Urban Extension (SUE) which comprises up to 2,000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings.

- 1.3 The SUE application site is defined by the existing settlement edge of Northampton to the south, which includes the Round Spinney Industrial Estate. Immediately to the west of the SUE is the A43 and to the north is the extension to the SUE referred to as Overstone Green (DA/2020/0001). This application now has a resolution to approve subject to finalising the S106 agreement.
- 1.4 A number of Reserved Matters Application have been approved, including Zone 1, 2, 3, 4, 5, 8 and 9, together with a convenience store and care home both of which are within the southern part of the local centre.
- 1.5 The application site comprises 1.84 ha of land and forms part of the local centre for the Overstone Leys SUE. It is located within the heart of the SUE with access north of Sywell Road. To the west of the application site is the A43, to the east is future residential development, to the north is Zone 5 comprising residential development and to the south of Sywell Road is Aldi supermarket and a care home which is under construction.

## **2. CONSTRAINTS**

- 2.1. Pytchley Gates are positioned to the north east of the application site on the junction of Billing Lane, Overstone Lane and Sywell Road. Pytchley Gates are Grade II listed (formerly listed as Gateway to Overstone Park, originally of Pytchley Old Hall). The gates are located over 350m from the application site with restricted views as a result of new development.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application is not a reserved matters application pursuant to the outline consent. This application is a hybrid application, a mixture of a full and outline application. This reflects the intentions of the applicants to proceed in the short term to develop the main access into the site and related infrastructure together with the petrol filling station, two food and drink units and a retail building that could accommodate a number of retail units. Once the main infrastructure into the site has been provided, then it is hoped, subject to market interest, that a day nursery and employment building will be provided.

- 3.2 The scale of the units being applied for are as follows;

Petrol filling station	418 sqm
Food and drink/coffee pod	167 sqm
Food and drink unit	232 sqm
Retail units	408 sqm
Nursery	456 sqm
Employment unit	557 sqm

The opening hours proposed are 24 hour for the petrol filling station with the two food and drink units between 5am and 11pm on a daily basis.

The operating hours of the retail units, nursery and employment units would be between the hours of 8am and 6pm with reduced or no Sunday opening.

- 3.3 What remains to be determined should planning permission be granted for the hybrid application would be the details of the appearance of the nursery and employment units and the landscaping around them
- 3.4 A landscaping plan has been submitted for the site (excluding the area around the employment building).

- 3.5 The proposed layout includes a number of pedestrian/cycle links from the site to the wider SUE and surrounding area. A link has been provided in the north east corner of the application site to provide a pedestrian link to Zone 5 of the SUE. The layout for Zone 5 has also taken this into account. There are links to the east to the frontage with the A43 via the central boulevard and then links to the south to access Sywell Road.

#### 4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
DA/2013/0850	Outline application of up to 2000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings; a new section of A43 dual carriageway road; up to 3.83ha for a local centre incorporating provision for a Use Class A1 foodstore (up to 2,000 sqm), Class A4 public house (up to 650 sqm), Class C2 care home (up to 2,800 sqm), Class D1 day nursery (up to 465 sqm), Class D1 medical centre (up to 750 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (up to 450 sqm), Class B1(c) light industry (up to 5,000 sqm); a new primary school (up to 3,150 sqm); public open space provision to include outdoor sports pitches, allotments and children's play space; structural landscape planting; associated infrastructure, including drainage features and access	Approved 28.08.2015
DA/2015/0263/NCC	Construction of a 2.5 kilometre dual carriageway (A43 Bypass) and associated landscaping, drainage and infrastructure works	No objection
DA/2016/0082	Surface water attenuation scheme in relation to Phase 1A & B of Overstone Leys development, including re-profiling of existing ditch, construction of connection ditch and balancing pond	Approved 14.04.2016
NMA/2016/0084	Non material amendment to application to application DA/2013/0850 (Outline application for up to 2000 dwellings) Change of house types for Phase 1 – approved 20.02.17 DA/2013/0850 (Outline application for up to 2000 dwellings) Change to house types	Approved 20.02.2017
DA/2017/0010	Reserved matters application for 96 dwellings (including 14 affordable); open space; landscaping and infrastructure	Approved 26.10.2017
NMA/2017/0036	Non material amendment to application DA/2013/0850 (Outline application for up to 2000 dwellings) to revise house types	Approved 14.06.2017

	(New Plot Nos 20-34 (inclusive) and 47-53 (inclusive)) and amend layout	
NMA/2017/0082	Non material amendment to application DA/2013/0850 (outline application for up to 2000 dwellings) to revise access arrangement for Phase 1A – approved 12.10.17 DA/2017/1262 Construction of a 2.5 kilometre dual carriageway (A43 Bypass) and associated landscaping, drainage and infrastructure works	Approved 20.06.2018
NMA/2018/0077	Non material amendment to planning consent 15/00022/CCDFUL for the replacement of acoustic bund – withdrawn DA/2019/0067 Reserved matters application (access – primary infrastructure or Phase 2) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015 for outline application of up to 2000 dwellings	Approved 15.04.2019
DA/2019/0067	Reserved matters application (access – primary infrastructure for Phase 2) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015	Approved 04.07.2019
DA/2019/0260	Reserved matters application (appearance, landscaping, layout and scale) for construction of 207 dwellings (Phase 2) pursuant to Condition 1 of outline planning permission DA/2013/0859 in addition to the discharge of Condition 19 (surface water drainage)	Approved 24.10.2019
DA/2020/0490	Reserved matters application for 172 dwellings and supporting infrastructure including details of appearance, landscaping, layout and scale pursuant to outline approval DA/2013/0850 and approval of Condition 36 (Bus Stops), Condition 37 (Travel Plan) and Condition 38 (Public Rights Of Way).	Approved 17.03.2021
DA/2020/0950	Construction of 66 bedroom care home with associated access, car parking and landscaping	Approved 26.04.2021
DA/2020/1034	Reserved matters application (access, appearance, landscaping, layout and scale) relating to application DA/2013/0850 for the erection of a food store within the local centre, including discharge of Condition 18 (foul water disposal), Condition 19 - partially discharged (surface water drainage), Condition 20 (ground investigation), Condition 23 (closure report), Condition 25 (ground gas) and Condition 43 (Compensatory Habitat Creation)	Approved 27.04.2021

DA/2020/1178	Reserved matters application (access, appearance, landscaping, layout and scale) for 129 dwellings within Zone 5 pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (soft landscaping), Condition 18 (foul water drainage), Condition 26 (acoustic report), Condition 30 (fire hydrants), Condition 37 (travel plan), Condition 39 (arrangements for management and maintenance of proposed streets), Condition 41 (external lighting plan), Condition 42 (soil management plan) and Condition 43 (compensatory habitat creation and management scheme).	Refused 29.10.2021
WND/2021/0132	Reserved matters application (access - primary infrastructure for Zone 9) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015.	Approved 29.10.2021
WND/2021/0152	Reserved matters application (access, appearance, landscaping, layout and scale) for 350 dwellings (Phase 9) pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (details of open space), Condition 26 (internal noise levels), Condition 36 (Bus stops), Condition 37 (Travel Plan) and Condition 41 (external lighting)	Approved 29.10.2021
WND/2021/0172	Reserved matters application (access, appearance, landscaping, layout and scale) for 350 dwellings (Zone 10) pursuant to outline approval DA/2013/0850 and approval of Condition 26 (noise) and Condition 37 (travel plan)	Refused 10.05.2022
WND/2021/0700	Reserved matters application – Zone 4 – 223 dwellings including details of appearance, landscaping, layout and scale pursuant to outline approval DA/2013/0850 and approval of Conditions 15 (open space), 36 (bus stops), 37 travel plan) and 38 (public rights of way).	Approved 18.8.2022
WND/2021/0870	Reserved matters application (access, appearance, landscaping, layout and scale) for 123 dwellings within Zone 5 pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (soft landscaping), Condition 18 (Foul Water), Condition 26 (acoustic report), Condition 36 (bus stops), Condition 37 (travel plan) and Condition 38	Approved 23.2.2022

	(public rights of way) - Resubmission of application DA/2020/1178.	
WND/2022/0234	Reserved matters application (appearance, layout and scale) for construction of 69 dwellings (Zone 10) pursuant to outline approval DA/2013/0850 and approval of Condition 26 (noise)	Approved 12.09.2022
WND/2022/0770	Reserved matters application (appearance, layout and scale) for construction of 223 dwellings on zone 4	To be determined

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Daventry Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA Presumption in Favour of Sustainable Development
- S1 Distribution of Development
- S10 Sustainable Development Principles
- N3 Northampton North Sustainable Urban Extension
- C1 Changing Behaviour and Achieving Modal Shift
- C2 New developments
- BN1 Green Infrastructure Connections
- BN2 Biodiversity
- BN7 Flood Risk
- BN9 Planning for Pollution Control

#### Daventry Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- CW1 Health and Well Being
- CW2 Open Space Requirements
- ST1 Sustainable Transport Infrastructure
- EN1 Landscape
- ENV4 Green Infrastructure
- ENV5 Biodiversity
- ENV10 Design

## Neighbourhood Plan (NHP)

5.5. Overstone Neighbourhood Plan 'made' on 3.12.2021.

### **Material Considerations**

5.6. Below is a list of the relevant Material Planning Considerations

Supplementary Planning Guidance e.g. SPG on house extensions etc.  
National Policies the National Planning Policy Framework (NPPF)  
Chapter 2 Achieving sustainable development  
Chapter 8 Promoting healthy and safe communities  
Chapter 12 Achieving well-designed places

National Design Guide 2019  
Northamptonshire Parking Standards 2016  
Local Highway Authority Standing Advice 2016

### **Daventry Supplementary Planning Documents**

Biodiversity Supplementary Planning Document (2017)  
Planning Out Crime in Northamptonshire (2004)

## **6. RESPONSE TO PUBLICITY**

Below is a summary of the consultation responses in regards to the first round of consultation received at the time of writing this report. Responses are available to view in full via the online Planning Register.

The first round of consultation was carried out in February 2022. The following comments were received.

<b>Consultee Name</b>	<b>Position</b>	<b>Comments</b>
Moulton Parish Council	Object	<p>There is no need for a petrol filling station. The residents need community facilities as they make an important contribution to the vitality and sustainability of neighbourhoods.</p> <p>This is not what was envisaged for the local centre.</p> <p>The NPPF make is clear that LPA's have a responsibility to promote healthy communities.</p> <p>The historic villages of Moulton and Overstone will be adversely affected.</p> <p>Impact upon global warming – air emissions/pollution in relation to the petrol filling station.</p> <p>Land contamination and storage of hazardous materials from petrol filling station.</p> <p>Proposed development would materially harm the safety of people using the public highway in the vicinity. The vehicular</p>



		<p>access does not meet minimum standards that all junctions should have an offset of 20m between 2 roads on opposite sides of a carriageway.</p> <p>There will be an unacceptable impact on highway safety. It would be negligent to allow a road that is contrary to Highway policy.</p> <p>There are 3 schools within 5 minutes of the 2 fast food restaurants. A controversial planning permission allowing a fast food takeaway to be set up near a school was quashed by the high court.</p> <p>This proposal does not promote healthy communities.</p> <p>The Burger King drive thru is adjacent to residential properties which are highly sensitive receptors.</p>
Overstone Parish Council	Object	<p>The plans are considerably bigger than originally intended.</p> <p>There is a mix of private and commercial vehicle traffic on site, contrary to Highway policy. There is no separate access road for delivery vehicles.</p> <p>The junctions do not meet highway standards.</p> <p>There are pressure on the Park View roundabout from the cumulative impact from several sources.</p> <p>Another area of concern is that the employment units at two storey will obstruct views onto Sywell Road when exiting the development.</p> <p>This development will deliver two fast food outlets close to the school which contravenes a High Court judgement and goes against government policy relating to health eating.</p> <p>There is no need for a petrol filling station as there is an existing Shell garage opposite.</p> <p>Moulton PC are opposed to the development and recommend that it be replaced with facilities such as shops, hairdressers and social centres for the new housing. The residents need community facilities as they make an important contribution to the vitality and sustainability of neighbourhoods.</p>
WNC Local Highway Authority	Object	<p>Travel Plan – unapproved.</p> <p>Parking – In accordance with minimum standards. Consideration could be given to providing EV spaces elsewhere within the development.</p>

		<p>PFS/Fast food outlets – no space for deliveries.</p> <p>Pedestrian/cycling infrastructure – Pleased that matters have been addressed which were raised at outline stage.</p> <p>Trip generation/distribution – concerned that a robust assessment has not been carried out in terms of the predicted trip generation and assignment.</p> <p>Collision data – no patterns to demonstrate a safety concern.</p> <p>Site access junction – Should planning permission be granted, and in order to carry out works within the highway to facilitate the access, the applicant will be required to enter into a S278 agreement with the LHA.</p> <p>Further work is required to address the matters raised.</p>
WNC Environmental Health	Comments	<p>There are a wide range of activities contained with the application and both individual and cumulative impacts will need to be considered. It is therefore imperative that pre-commencement baseline background noise and air quality levels are adequately recorded. In addition, owing to the lack of detail at present with regard to plant and equipment, post construction, preoccupation testing for compliance is advised.</p> <p>PFS – whilst emissions from the operational side of the process are controlled by environmental permits, there will be an increase in vehicle movements and subsequent emissions.</p> <p>Two food and drink outlets – these give rise to idling vehicles and additional emissions. In addition, chillers and extractor fans will need to be suitably controlled.</p> <p>Retail units – no details have been provided to relation to delivery times.</p> <p>In light of the above points, a number of conditions are recommended.</p>
WNC Ecology	Neither objects or supports	<p>As set out in the ecological appraisal report the proposal would not deliver a net biodiversity gain as required by the NPPF and Environmental Act.</p>
Public Health Northamptonshire	Object	<p>The potential proximity of the proposed drive thru to the secondary school.</p> <p>Planning policy contained within relevant planning policies and guidance relating to the promotion of health and wellbeing.</p>

		The problems relating to overweight and obesity in both county and specifically the West Northamptonshire area, the significant impact this is having on the health of individuals, community wellbeing and the impact on healthcare services. The likely contribution of the proposal/planning application to poor health and wellbeing.
WNC Landscape Officer		No comments received
WNC Policy Team	Concerns about the specific elements of the proposal	Potential for conflict between users of the petrol filling station and customers of the local centre. Concern about the relationship between unit 4 and the residential area to the north. Proposal appears to be dominated by hard surfacing and car parking. The nursery and employment units are supported as components of a local centre however concerns over relationship with residential. Amendments to address the outlined issues could strike a better balance between the centre being attractive to passing trade but also non car users from the SUE.
WNC Developer Contributions	No objection	Suggest a number of informatives on provision of broadband.
Crime Prevention Design Advisor	No objection	Local centres often become 'honeypots' for local young people who congregate causing nuisance and therefore the installation of monitored CCTV is recommended. Please to note the side elevation of unit 4 has a glazed façade to provide active surveillance over the space. Drop arm barriers should be installed to secure the site at night after units have closed.
WNC Archaeology	No objection	No comments to make.
Anglian Water	No objection	Recommend a number of conditions
National Highways	No objection	

## 7. RESPONSE TO PUBLICITY

7.1 Four site notices were posted around the site on 6 April 2022 and neighbours notified.

40 representations have been received, objecting/commenting to the proposal on the following grounds.

### Highways

- Number of car parking spaces is inadequate.
- Is it necessary to have two petrol filling stations in such close proximity?
- There is a mix of private and commercial vehicle traffic on the site.
- There is a supermarket entrance almost immediately opposite the entrance to the proposed development raising issues of road safety and congestion.
- Pressures on the Park View roundabout from the cumulative impact from several sources.
- Overstone village already suffers from HGV's using the village as a rat run. Mixing HGV's with domestic cars is an accident waiting to happen.
- There should be a feeder land into the A43 from the petrol filling station.
- Assertion that there will be very little additional traffic is frightening.
- Inadequate loading and turning for HGV's.
- Access is a safety hazard with 3 junctions within meters of each other.
- Not sufficient parking for staff.
- Transport Assessment is inadequate and Highways opinion is critical of the proposed road layout.
- Drive thru restaurants typically attract passing trade, there will therefore be additional traffic not as the TA claims as minimal impact.
- The scheme will create more traffic as drivers divert to get a quick bite to eat.

### Uses

- Planning permission has recently been granted for a new secondary school in Thorpeville. This development will deliver two fast food outlets in close proximity to the school. In June 2010 there was a High Court ruling that school proximity was a material planning consideration.
- It appears that the original consent provided for the genuine needs of the community such as a desperately needed medical centre have been replaced with an unwanted petrol filling station purely for commercial gain.
- The removal of plans for a public house which would have offered the community a meeting place have been erased.
- Burger King state that there nearest restaurant is 40 miles away, this is not correct.
- No detail on the employment units if they are more takeaways this will further increase traffic.
- Loss of privacy for residents to the rear of Burger King unit in relation to opening hours, odour.
- This is not the local centre we were promised. There is no medical centre, pub, village green. This is another small retail outlet.
- The fast food outlets will encourage an unhealthy choice and environment for children.
- The proposal is basically a service station, not a local centre for residents in which it was intended.

### Sustainability

- None of the proposed units appear to take advantage of any natural energy saving measures such as ground source heat pumps, solar panels or grey water storage for use.
- By further developing this centre as per the plans the habitat of animals already displaced by previous housing developments are being subjected to death on the new roads.
- 60% of people will not walk to the facilities.
- The proposal does not support a low carbon future. The application will increase pollution.

#### Other issues

- Engagement with local residents has not been positive.
- The nursery seems to be well located to serve the development at Overstone Gate and Overstone Green.
- Increase in litter.
- Impact upon health of residents. The Councils duty of care for the citizens must take into consideration the public health impacts of such a development amid a housing development.
- What is needed for the local community and the new housing estate is green space, maybe a wildlife area and a park which is beneficial not only for residents but for children from the nursery and a village green which is a real local centre for a community.

Councillor Warren fully supports the response Overstone Parish Council has made and further adds, by allowing the fast food outlets you will be encouraging pupils from the new school on Thorpeville to cross back and forth the new dual carriageway to access these outlets, fatalities will occur.

Councillor Daniel Cribbins objects to the application. His concerns mirror those of Overstone Parish Council and the many local people who have submitted objections.

7.2 A further round of consultation was carried in August 2022 in relation to amended plans. Below is a summary of the consultation responses in regards to the second round of consultation received at the time of writing this report. Responses are available to view in full via the online Planning Register.

<b>Consultee Name</b>	<b>Position</b>	<b>Comments</b>
Moulton Parish Council	Object	The original intention was the development should be a retail centre with convenience stores. The proposed development has been transformed into a service area for passing traffic. Highway safety concerns with the mix of private and commercial traffic. Junctions do not meet standards. The employment units at two storey will obstruct views onto Sywell Road when exiting the development. Development will deliver two fast food outlets which contravenes a High Court

		<p>judgement and goes against government policy relating to health eating.</p> <p>There is no need for a petrol filling station.</p>
Overstone Parish Council	Object	<p>Proposal does not reflect the outline approval. The primary change from the approved 'traditional' local centre is economic. The proposed scheme does not meet the requirements of ENV10 for a local centre or the NPPF.</p> <p>Proposal would result in a mainly concrete and macadam surfaced area serving 24/7 passing vehicles on the A43 with no space for a village green or local community functions.</p> <p>The high cost of infrastructure is because the proposed scheme attracts high volumes of HGV's and cars.</p> <p>Note the employment space is 10x smaller than in the approved scheme.</p> <p>Future residents will not be aware of the proposed change in local centre that will have 24/7 drive thru trade, antisocial behaviour, noise and excess litter.</p> <p>Health implications of petrol filling station so close to residents.</p> <p>Frank Knight letter – the conclusion contradicts their assessment stating that it meets the needs of residents and provides the majority of uses envisaged in the outline application. When in fact their letter does not explain, demonstrate anything that is contained in the conclusion.</p> <p>Carney Sweeny letter – the residents do not want a petrol filling station, this has not been taken into account.</p>
WNC Local Highway Authority	Removes previous objection.	<p>PFS Fuel Deliveries: Tracking for fuel delivery tanker has been supplied and this matter is now concluded. PFS/ Fast Food/ Coffee Drive Thru Servicing The LHA is in receipt of an amended site layout drawing (16372-100 Rev.F). This amended layout has sought to address the previously raised matters regarding service delivery vehicle parking.</p> <p>Retail Pods – A service bay has been provided to the east of the retail pods accessed via a dropped kerb. The principle of moving the service vehicle parking from off the public car park is supported.</p> <p>Food Pod Unit – A service bay had previously been provided for this unit and remains in the same position on the most recent site layout. Coffee Pod Unit – In order to provide a service bay, the</p>

		<p>applicant has removed one of the previously proposed drive-thru order lanes. It is not known what impact this may have in the rate at which vehicles are able to move through the drive-thru element of the facility, however, there is potential for reduced capacity and a knock-on effect of queuing traffic backing up along the access road. This could hinder access to the Food Pod Unit and lead to congestion problems within the site and potentially back into the public highway. The LHA would advise that information should be provided by the operator as to the known rates of through flow for a single order point/ lane compared to 2 order points/ lanes. It may be preferable for this pod unit to be served by a bay as previously proposed allowing 2 order points over having a dedicated service bay that is used infrequently and a single order point with traffic backing up.</p> <p>Trip Generation/ Distribution Following extensive discussions with the applicant's transport consultant, additional junction capacity modelling (A43 roundabout) and review by WNC's professional services provider, it is concluded that there would not be a severe residual cumulative impact on the highway network. The impact of the development (compared to the impact considered as part of the Outline permission) has been fully tested.</p> <p>Sywell Road Bus Stop The position of the bus stop on Sywell Road in close proximity to the site access will require being repositioned. This is acknowledged by the applicant on their site masterplan drawing. The bus stop will need to be moved along Sywell Road or placed within a bus stop bay in the same position. This will be subject to further discussion between the applicant and the LHA and it is suggested this be dealt with via Grampian Condition.</p>
Sywell Parish Council	Objects	Support the views of Overstone Parish Council
WNC Environmental Health	Comments	<p>The additional plans do not alter previous comments.</p> <p>With regards to noise, it remains imperative that baseline levels are established prior to commencement as each individual commercial unit will need to comply with the noise conditions which</p>

		will come forward as individual elements.
WNC Ecology		No further comments received
Public Health Northamptonshire		No further comments received
WNC Landscape Officer		No further comments received
WNC Policy Team	Comments	<p>The amended layout of the PFS which includes clearer pedestrian routes and crossings within the area, especially from the EV parking and customer jet wash/vacuum/air bays to the shop and onwards to the wider local centre is welcomed. However, I still have concerns about the HGV element of the petrol filling station (PFS) due to potential conflicts with other users, especially pedestrians, cyclists and people using the valeting bays.</p> <p>It is noted that the revised masterplan shows 10 EV charging points at the petrol filling station (3 more than previously) and 8 EV charging points within the main car park. This is positive.</p> <p>Previous comments expressed concern regarding the relationship between unit 3 (food pod) and housing development to the north in terms of noise and light. The noise impact assessment concluded that all operations at the site, combined with mitigation, will be below the required limits. I will defer to Environmental Health colleagues on this.</p> <p>The increase in size of the central area of public open space is noted.</p> <p>There is still concern about the physical relationship between the nursery and housing to the east.</p>
National Highways	No objection	
WNC Developer Contributions		No further comments received.
Crime Prevention Design Advisor	Comments	Previous comments still apply.
WNC Archaeology		No further comments received.
Anglian Water		No further comments received.



12 representations have been received, objecting to the proposal on the following grounds.

- The original application was for a village centre. I cannot find anywhere a definition of a village centre that coincides with the proposed development. The uses proposed (petrol filling station, Costa and Burger King) are already in the local area.
- The area has a lack of family friendly restaurants.
- Siting a fast food unit so close to the proposed new secondary school will be contrary to government guidance and be in stark contrast to the initiatives to promote healthy eating and tackle obesity.
- Crossing the A43 from Overstone to Moulton is dangerous. With even more traffic speeding along the A43 to these new facilities the road will be a veritable death trap.
- Unacceptable impact on highway safety and road network.
- Condition 35 of the outline consent requires the 'provision of a multi modal interchange, comprising bus shelters, cycle and vehicle parking as an integral part of the local centre proposals'. This is not included as part of the development.
- Not sufficient green space.
- The whole proposal goes against a sustainable and meaning lifestyle for everyone.
- Highway safety impacts.

One representation has been received advising;

- Only object to the petrol filling station. The other uses are very welcome.

A petition has been submitted on behalf of Moulton Parish Council signed by 234 people. The petition states "we object to the hybrid planning application WND/2021/0860 submitted for consideration for details approval for site access, provision of a petrol filling station with convenience store, two food and drink outlets (with drive thru lanes), retail units and 119 parking spaces and public access route. Outline application (with matters of scale, access and layout to be determined) for an employment unit, a nursery and 21 parking spaces and public access routes".

## **8. APPRAISAL**

### Principle of Development

- 8.1. The application site falls within the policy N3 allocation of the WNJCS. Policy N3 states that the development will make provision for:
- In the region of 3,500 dwellings;
  - Primary school provision to cater for the needs of the development;
  - A total of approximately 10ha of land for local employment opportunities;
  - At least one local centre to include local retail facilities of an appropriate scale (including a convenience store), health care services and community facilities;
  - A contribution towards the provision of a high quality public transport corridor to Northampton town centre;
  - A local multi modal interchange;
  - A43 corridor mitigation measures
  - An integrated transport network focused on sustainable transport;
  - Structural greenspace and wildlife corridors
  - Sports and leisure provision;

- Archaeological and ecological assessment of the site and required mitigation; and
- Flood risk management

8.2. The principle of the development on this site was established through the granting of outline planning permission in 2015 (planning application reference DA/2013/0850). Planning permission was granted for;

*Outline application of up to 2000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings; a new section of A43 dual carriageway road; up to 3.83ha for a local centre incorporating provision for a Use Class A1 foodstore (up to 2,000 sqm), Class A4 public house (up to 650 sqm), Class C2 care home (up to 2,800 sqm), Class D1 day nursery (up to 465 sqm), Class D1 medical centre (up to 750 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (up to 450 sqm), Class B1(c) light industry (up to 5,000 sqm); a new primary school (up to 3,150 sqm); public open space provision to include outdoor sports pitches, allotments and children's play space; structural landscape planting; associated infrastructure, including drainage features and access.*

8.3. Whilst this is hybrid application comprising an element of full and outline consent, consideration has to be given to the approved outline consent and the visions for the local centre. It was intended that the local centre would comprise the following elements;

*A foodstore (this is the Aldi store in the southern part of the local centre which is now open)  
 Pubic house  
 Medical centre  
 Parade of 5 retail units (including A1, A2, A3, A5 and D1 uses)  
 Light industry  
 Day nursery*

8.4. The outline application was submitted in 2013 and approved in 2015. The passage of time has meant that certain individual elements that were approved have either been provided elsewhere or are not now capable of being provided because of changes in the economic situation. For example, the medical centre will now be provided off site as set out in the S106 and there is little interest for a public house within the development. The submitted Planning Statement notes;

*“As the letter dated 18<sup>th</sup> November 2021 accompanying the application from Knight Frank confirms, Peveril (the applicants) has received commitment from three occupiers to key elements of the local centre. These are the petrol filling station on that part of the site located with immediate access onto Sywell Road and two food and drink units with drive thru facility which are located on the western side of the site.*

*The extent of commitment to roughly half of the potential local centre occupants would allow the developer to commit to the cost of putting in the initial access and infrastructure to serve the entire local centre (circa £2.2m). With that infrastructure in place, it would make the chances of commitment from occupiers to the other elements of the scheme – a nursery, employment units and other retail units – much better than they would be without such investment.*

*It is also important to emphasise that the two food and drink units with drive-thru facility – a Burger King and Costa – rely for their viability on a combination of local trade from residents in the immediate locality as well as passing trade. In both cases over half of their trade they anticipate will be from within the local community, i.e. not using the drive-thru facility. Both operators have a credible community programme in terms of encouraging use of their facility by local community groups and participating in community activities.*

*If planning permission is granted for the application, this will lead to immediate investment in infrastructure. Peveril would also be willing to agree with the Council that they will provide a comprehensive marketing campaign for the other elements of the scheme (retail, nursery and employment) in co-operation with the Council's economic development department. This marketing could be made the subject of a planning condition – although marketing of these units is already underway on an informal basis.*

*The overall intention is to provide local centre facilities – which are similar in some respects to those proposed in 2013 – that will actually deliver a local centre because of the investment made in opening up the site in terms of its access and infrastructure.*

*The economic benefits statement in Appendix 4 confirms the number of jobs that will be created by the three committed occupiers and typically from the other units proposed. Overall, it is anticipated that in due course some 130 jobs will be created (both full and part time) which will be available for local people.”*

- 8.5. The outline consent approved A3 (café/restaurant) and A5 (hot food takeaway) uses. A number of representations have been received in relation to the two drive thru food and drink units, objecting to these uses being within the local centre. Whilst A1 (retail) and A5 (takeaway) uses were approved under the outline consent, these were considered to be small scale units within the parade of 5 retail units to meet the needs of residents of the SUE. The drive thru element of the proposed food and drink units are large in scale and considered to be sui-generis in planning terms. The very nature of the business is encouraging people to order food/drink from their cars and eat it in their car or away from the premises. Whilst it is noted that this a full application and not reserved matters, officers still need to take account of the extant outline approval and the vision for the local centre and as such the drive thru elements of the proposal are not considered to be meeting the needs of the local community. They are serving the needs of a larger population catchment. It is therefore not considered that the proposal is in accordance with Policy N3 which requires the local retail facilities to be of an appropriate scale.
- 8.6. The parade of retail units, the nursery and employment units are in principle in accordance with the outline consent.
- 8.7. The petrol filling station (PFS) is a new element to the scheme and was not originally envisaged within the local centre. This is a new application and therefore the use needs to be assessed on this basis. The location of the PFS adjacent to the A43 is ideal for users coming into and out of Northampton however it is questionable whether the use is serving the wider community rather than residents within the SUE. Whilst the PFS includes a small convenience store which will serve residents of the SUE, it is again not

considered that the PFS is in accordance with Policy N3 of the WNJCS in that it is not considered to be of an appropriate scale for a local centre serving the needs of the residents of the SUE.

- 8.8. A number of representations have noted the existing PFS to the west of the A43 along Park View. Competition of uses is however not a material planning consideration.
- 8.9. On balance, it is considered that the proposed PFS and the two drive thru food units are contrary to Policy N3 of the WNJCS which requires a local centre to include local retail facilities of an appropriate scale. The definition of a 'local centre' in the WNJCS is '*a centre that includes a range of small shops and services of a local convenience nature, serving a small catchment. They might typically include a small supermarket, a newsagent, a sub-post office, a pharmacy and takeaway*'. It is not considered that the proposal provides the type of facilities akin to a local centre and does not meet the needs of the local community.
- 8.10. Whilst it is noted that the agent has submitted a letter from Frank Knight confirming commitment from three end users and the level of investment required for the initial infrastructure, no full viability assessment has been submitted and therefore Officers are unable to take into account viability in the determination of the application.
- 8.11. Other material considerations will now be discussed below, before all considerations are weighed in the planning balance towards the end of the report.

#### Impact on Highway Safety

- 8.12. Policy C1 of the WNJCS states that priority will be given to proposed transport schemes that will contribute towards behavioural change by, inter alia, providing access by walking, cycling and public transport, maximising the use of existing capacity within the transport infrastructure and managing the demand for car based travel within urban area.
- 8.13. Policy C2 of the WNJCS expects new development to achieve modal shift targets set out in the JCS by maximising travel choices from non-car modes.
- 8.14. A Transport Assessment was approved under the outline planning application. Given the submitted application is a hybrid application, a new Transport Assessment has been carried out.
- 8.15. Discussions have been ongoing between the applicant's highway consultant and the LHA. A number of concerns were originally raised and these in turn have been addressed.
- 8.16. PFS Fuel Deliveries Tracking - for fuel delivery tanker has been supplied and this matter is now concluded.

PFS/ Fast Food/ Coffee Drive Thru Servicing - The LHA is in receipt of an amended site layout drawing (16372-100 Rev.F). This amended layout has sought to address the previously raised matters regarding service delivery vehicle parking.

Retail Pods – A service bay has been provided to the east of the retail pods accessed via a dropped kerb. It would be advisable that some sort of demarcation in the surfacing and signage be used to warn pedestrians that a delivery vehicle could be reversing

across this public realm area. The principle of moving the service vehicle parking from off the public car park is supported.

Food Pod Unit – A service bay had previously been provided for this unit and remains in the same position on the most recent site layout.

Coffee Pod Unit – In order to provide a service bay, the applicant has removed one of the previously proposed drive-thru order lanes. It is not known what impact this may have in the rate at which vehicles are able to move through the drive-thru element of the facility, however, there is potential for reduced capacity and a knock-on effect of queuing traffic backing up along the access road. This could hinder access to the Food Pod Unit and lead to congestion problems within the site and potentially back into the public highway. The LHA would advise that information should be provided by the operator as to the known rates of through flow for a single order point/ lane compared to 2 order points/ lanes. It may be preferable for this pod unit to be served by a bay as previously proposed allowing 2 order points over having a dedicated service bay that is used infrequently and a single order point with traffic backing up. This issue is therefore still under discussion with the agent and the LHA.

Trip Generation/ Distribution Following extensive discussions with the applicant's transport consultant, additional junction capacity modelling (A43 roundabout) and review by WNC's professional services provider, it is concluded that there would not be a severe residual cumulative impact on the highway network. The impact of the development (compared to the impact considered as part of the Outline permission) has been fully tested.

Sywell Road Bus Stop The position of the bus stop on Sywell Road in close proximity to the site access will require being repositioned. This is acknowledged by the applicant on their site masterplan drawing. The bus stop will need to be moved along Sywell Road or placed within a bus stop bay in the same position. This will be subject to further discussion between the applicant and the LHA and it is suggested this be dealt with via Grampian Condition.

- 8.17. Overstone Parish Council have raised concerns with junction spacing along Sywell Road and have had a highway consultant survey this. Overstone Parish Council are concerned that the access is not in accordance with Highway policy. The LHA have advised "that there are 2 significant considerations. Firstly, measurements are taken from the projection of the kerb line on the minor road not the end of the kerb radii. We have measured these (from plans) and the proposed access to the local centre is approximately 18/19 metres from the Aldi entrance. Officers cannot say that this would have a significant impact compared to it being 20 metres and moving it along Sywell Road simply moves it closer to School Road.
- 8.18. Secondly, it is important to state what this policy is for. It is in place to be applied to new estate roads (i.e. 2 adoptable roads) where Officers need to ensure that sufficient manoeuvring space is available for a refuse collection vehicle or fire appliance to emerge from one road, straighten and turn into the opposite road. It is not intended to apply to private accesses such as the Aldi car park entrance and the local centre access. Clearly these are going to be relatively busy accesses and for all intents and purposes could be considered as road junctions. Therefore the policy and standards should be sought, where possible, in the interest of the free movement of traffic. The proposal is very close to these standards and therefore that, should the application go to an Appeal, an objection on this point would be very difficult to defend".

8.19. WNC Highways have now removed their objection to the proposal. Given that there are no highway reasons to warrant refusal of the application, the application is considered to be acceptable.

#### Health and Wellbeing

8.20. The NPPF states that 'the purpose of the planning system is to contribute to the achievement of sustainable development. 'Health and wellbeing are critical elements of sustainable development. Not only are they very important social factors but they are also important economic issues. Public Health Northamptonshire have advised that 'poor health at a level that we are seeing in the West Northamptonshire Council area, can have a significant impact on the ability of individuals and communities to contribute positively to the local economy. As such, the poor health of our communities and the health trends they we are seeing offer a significant long term threat to the economic wellbeing of people living in West Northamptonshire'.

8.21. The NPPF states that (paragraph 004) 'planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.....

.....planning policies and proposals may need to have particular regards to the following issues;

Proximity to locations where children and young people congregate such as schools, community centres and playgrounds

Evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific location.....'

8.22. Public Health Northamptonshire have advised that they believe 'that the proposed planning application would contribute to the creation of an unhealthy food environment in this new development and the vicinity of the proposed secondary school and worsen the already concerning obesity problems in Northampton, particularly the childhood obesity levels'. In summary, Public Health Northamptonshire recognise that the factors influencing healthy weight and obesity are many and complex, however, given the points below, they object to the application:

- The evidence of the role of the food environment and particularly easy access to more unhealthy foods in increasing levels of weight and obesity,
- The significant health impact of being overweight or obese,
- The relevant planning policy which seeks to create healthy environments and encourage healthy lives,
- The very concerning levels and trends in overweight/obesity in Northampton and
- The particular circumstances of this planning application, with a fast food takeaway restaurant in such close proximity to a secondary school'.

8.23. Whilst the views of Public Health Northamptonshire and similar concerns raised by local residents are noted and understood, WNC currently does not have specific policy or policy guidance that restricts hot food takeaways within a certain distance of a secondary school. The secondary school at Thorpeville, Moulton (which is currently under construction) is over 1km from the site of the local centre. The majority of supplementary planning guidance prepared by LPA's on this issue restrict hot food takeaways within 400m of a secondary school. As noted, this site is well over 400m from the approved secondary school. It is also noted that the approved outline consent allowed takeaway unit, albeit not the scale as proposed.

8.24. On balance, it is not considered that an objection to the proposal on ground of public health and wellbeing could be sustained given the fact the LPA does not have any specific guidance on the location of takeaways from secondary schools and also it is noted that previous A3 (restaurant) and A5 (hot food takeaway) uses were approved under the outline consent within the local centre.

Impact upon residential amenity/noise

8.25. The proposed location for the local centre is in accordance with the approved masterplan.

8.26. The application site has Zone 5 to the north and east which is a residential area and already has reserved matters approval. It should be noted that a new reserved matter application has recently been submitted for Zone 5 due to a change in ownership, however, the site layout is the same. This application will come to Strategic Committee shortly. Two storey dwellings back on to the northern boundary of the application. These dwellings have a rear garden of 10m. A green landscape buffer forms the boundary of the applications site. The rear elevation of Unit 4 is approximately between 4m-7m from the boundary of the site.

8.27. There are also dwellings within Zone 5, to the east of the application site, which back on to the proposed nursery building. The rear of these dwellings is 12m from the rear elevation of the nursery building. There is again a landscape buffer which runs along the eastern boundary. The nursery is in outline form only and therefore no details of the elevational appearance of the nursery has been submitted. Conditions are proposed to deal with this.

8.28. To the north west corner of the application site, a row of terraced dwellings is at right angles to the application site. This is the closest dwelling to the application site and the closest dwelling to Unit 3 which is a food pod. The drive thru element of this runs along the northern boundary. Environmental Health have noted that whilst a noise report has been submitted, it does not include baseline data or details of plant on the proposed units, specifically in relation to the proposal. Environmental Health officers have raised a number of concerns and queries in regards to the submitted noise assessment which have not been addressed at the time of drafting the report.

8.29. Environmental Health officers have advised that there are a range of activities within the application and both the individual and cumulative impacts will need to be adequately considered. It is therefore imperative that pre-determinative baseline background noise and air quality levels are adequately recorded. In addition, owing to the lack of detail at present with regard to plant and equipment, post construction, preoccupation testing for compliance is advised if planning permission were approved.

8.30. Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following test;

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects

- 8.31. Environmental Health have advised that as there are many “unknowns” at present, it is not possible to recommend conditions which are achievable, reasonable and relevant and as such would not meet the 6 tests.
- 8.32. The concerns raised by Environmental Health have been relayed back to the agent. At the time of drafting the report no response has been provided and as such an update will be provided at the committee meeting.
- 8.33. Taking into account the comments received by Environmental Health Officers and given the close proximity of residential properties, it is considered that no positive decision can be taken until the issues around the noise assessment have been resolved as it is not possible to attach conditions to mitigate such impact. As such, given that insufficient information has been submitted in order to determine the impact of noise from the proposed uses upon the surrounding residential environment, the proposal is recommended for refusal.

#### Design

- 8.34. Policy ENV10 states:
- A. Development that is of a high quality and, in particular, the proposals of an exemplary and innovative design that reflect and integrate with the surrounding area and create a strong sense of place, will be supported. High quality design is achieved by;
    - i. Promoting or reinforcing local distinctiveness and enhancing its surroundings;
    - ii. Taking account of local building traditions and materials;
    - iii. Ensuring that the scale, density, massing, height, layout and access of the proposal combine to ensure development blends well within the site and with its surroundings;
    - iv. Incorporating crime prevention measures in the site layout and building design;
    - v. Integrating existing landscape features of the site with proposed landscaping and open space;
    - vii. Providing details of suitable comprehensive landscaping scheme;
    - viii. Protecting the amenity of new and existing dwellings and not compromise the function of existing surrounding uses.
- 8.34. Detailed plans have been submitted for the petrol filling station, the two drive thru units and the parade of retail units. The remainder of the development is in outline form.
- 8.35. The design of the proposed units has been reviewed following the original submission and concerns from officers. The design has been amended to ensure that the units form a cohesion with each other and a sense of place. The units have a softer and more rural appearance with the use of timber, glazing and a curved roof design.
- 8.36. Notwithstanding the concerns with the principle of development and the proposed uses, the design of the petrol filling station and retail units are considered to be in accordance with Policy ENV10 of the Daventry Local Plan (Part 2).

#### Landscape and Ecology

- 8.37. Policy ENV1 is concerned with ensuring that the proposal maintains the distinctive character and quality of the District’s landscapes. ENV4 also aims to protect, enhance and restore the District’s green infrastructure network, relating to the Spinney to the east of the SUE and ensuring that an appropriate network of green infrastructure leads from the Spinney through the development linking on-site greenspace.
- 8.38. The approved indicative Masterplan sets out the principles of development and provides an indication of where open space will be located. There is an area of open space located



within the local centre as noted on the indicative masterplan. Whilst the proposal does not provide a traditional area of open space, it does provide a central public boulevard which has footpaths to the north, south, east and west allowing pedestrians to use this space. Details of this area are still to be agreed however benches will be provided for customers/residents to use together with green space and planting.

- 8.39. Policy ENV5 states that 'proposals should seek to achieve a net gain for biodiversity, including the creation and management of new habitats, strengthening existing networks of habitats, avoiding the fragmentation of habitats and links and addressing the Northamptonshire Biodiversity Action Plan local priorities for habitats and species'.
- 8.40. A discussion has taken place between the Council's ecologist and the applicant's team in relation to the question of mitigation/enhancement required to offset the biodiversity impact of the development. The position of Council officers is that the scheme should lead to an enhancement in principle. The discussions that have taken place have been aimed at establishing that a scheme for mitigation and enhancement could be devised to provide comfort that a planning condition could be imposed requiring the details of such a scheme to be considered later.
- 8.41. Following this discussion, a scheme for enhancement has been considered by the applicant's advisors which could include the following measures within it:
1. The inclusion of an additional green wall and green roof particularly on the proposed nursery building.
  2. The introduction of vegetated garden habitat to the external play area of the nursery.
  3. The redesign of the public realm area to be a community orchard with public access through it.
  4. The amendment of the layout around the employment building to include a new area of mixed scrub planting.
  5. Additional mixed scrub planting at various points around the scheme.

There is also potential for further measurable improvements by re-visiting the mix of landscaping already shown on the proposed landscaping plan. In addition to these measures, it is possible to provide bird and bat boxes at various locations within the scheme. Any amendments to the site layout (e.g. the area around the employment building) could be done through the submission of reserved matters and a suitably worded condition related to biodiversity. The currently intended public realm area could also be the subject of the condition related to any biodiversity scheme with details for it being required to be submitted and approved before occupation of building.

- 8.42. At the time of drafting the report, no comments have been received by WNC's Ecologist. As such, it is not possible to assess whether the scheme provides a net gain in biodiversity. It is therefore considered that the proposal is not in accordance with ENV1 and ENV5 of the Daventry Local Plan (Part 2). Members will be updated at the committee meeting if a response is received from WNC's Ecologist.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. CIL payments are applicable to this site.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The planning system is actively encouraged to assume a presumption in favour of sustainable development rather than being an impediment to sustainable growth. The site, being located with the Overstone Leys SUE will have a good level of accessibility and has reasonable pedestrian/cycle links to the other zones within the SUE.

- 10.2. The concerns raised by local residents and the Parish Council in relation to the proposed uses are noted. The petrol filling station and the two drive thru food units are not considered to be of an appropriate scale in keeping with a local centre and as such not in accordance with Policy N3 of the WNJCS which requires a local retail facility of an appropriate scale and the definition of a local centre within the WNJCS.
- 10.3. Environmental Health have raised concerns that insufficient information has been submitted in order to fully assess the impact of noise upon the future residential properties. It is not considered reasonable to attach conditions at this stage to any permission in order to mitigate any noise impacts from the development.
- 10.4. At the time of drafting the report, no comments have been received from WNC's Ecologist on whether or not the proposal provides a net gain in biodiversity following the submission of additional information. Members will be updated at the committee meeting.
- 10.5. Taking the above into account, it is considered that the proposal is not acceptable in planning terms and as such is contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy.

## **11. RECOMMENDATION**

### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON:**

- 1. The proposal is contrary to Policy N3 of the West Northamptonshire Joint Core Strategy which requires Northampton North Sustainable Urban Extension to make provision for a local centre which includes local retail and community facilities of an appropriate scale. It is not considered that the proposal is of an appropriate scale to the Sustainable Urban Extension and it does not meet the definition of a local centre as set out in Section 19.0 of the West Northamptonshire Joint Core Strategy.**
- 2. The proposal is contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy which requires new developments which are likely to result in exposure to sources of pollution to demonstrate they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. In this case, insufficient information has been submitted to determine whether the proposed uses within the local centre would result in unacceptable noise levels within the surrounding residential development.**
- 3. Notwithstanding information submitted by the agent in relation to biodiversity, in the absence of comments from WNC's Ecologist, it is not considered that the proposal achieves a net gain in biodiversity and as such is not in accordance with Policy ENV5 of the Daventry Local Plan (Part 2).**