



Planning Committee Report

Committee Date: 4th April 2023

Application Number: WNN/2022/0172

Location: Woolworths, 42 - 48 Abington Street, Northampton, Northamptonshire NN1 2AP

Development: Conversion of existing Ground Floor Retail Unit (Use Class E) into 3no Retail Units (Use Class E) and part demolition and conversion of First and Second Floors into 30no Residential Units (Use Class C3) with access from front and rear, to include erection of mansard roof at front part of building and extension at rear part of building

Applicant: Fairgreen Commercial Properties Ltd

Agent: Studio 47 Architects limited

Case Officer: Samantha Taylor

Ward: Castle Unitary Ward

Referred By: The report is referred by the Assistant Director of Place and Economy

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary;

And **SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT** to secure the following planning obligations:

- Early years education financial contribution.

Proposal

The application seeks full planning permission to convert the existing ground floor retail unit into 3 smaller retail units and the conversion and extension of the upper floors to provide 30 residential apartments.

Consultations

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

- Highways, Strategic Housing, Councillor Stone

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

- Anglian Water, Archaeology, Environment Agency, Ecology

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
- Design and Character of the Proposal
- Impact on the Conservation Area and Heritage Assets
- Living Conditions and Amenity
- Highway Safety
- Flood Risk and Drainage
- Environmental Amenity
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions, removal of the Highways Officers objection and completion of a s.106 agreement.

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 The application site is located within the primary shopping frontage along Abington Street, part of Northampton town centre. The site is within a highly sustainable area, with access to a range of facilities as well as different transport options.
- 1.2 The plot is deep, stretching from Abington Street and The Ridings. The existing site is currently vacant but was last in use as a retail store, and comprising a part three storey part 4 storey. The site when viewed from Abington Street, is a three-storey art deco style building, with a modern shopfront at ground level. The tiled façade at first and second floor level above, provides the art deco tiling, with what appears to be original metal window frames and detailing,

2 CONSTRAINTS

- 2.1 The application site is a locally listed building. Whilst not in a conservation area, the site is close to two conservation areas, Derngate being closest to the south of the site extending from The Ridings and Fish Street and the St Giles Conservation Area. There are also several listed buildings within the local areas. The two closest listed buildings are both grade II and lie to the south of the site, within the Derngate Conservation Area: 182 Fish Street and 33-45 St Giles Street.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development proposes consists of the conversion of the existing retail unit to provide 3no. retail units, first and second floor part demolition, and conversion into residential units, construction of a mansard room and an extension at the rear to provide a total of 30 new residential apartments. Residential development would be provided in two blocks, one facing Abington Street and the other The Ridings, separated at above the retail unit by a shared amenity space.
- 3.2 The development would provide 5no. disabled parking spaces, bicycle storage, refuse storage areas

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal.

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.
- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

National Policies

- 5.4 The NPPF sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:
- Paragraphs 7-12 - Presumption in favour of sustainable development
 - Section 6 – Building a strong and competitive economy
 - Section 8 - Promoting healthy and safe communities
 - Section 9 - Promoting sustainable transport
 - Section 11 – Making effective use of land
 - Section 12 – Design

Development Plan

- 5.5 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 15th December 2014 and which provides the strategic planning policy

framework for the District to 2029, the adopted Northampton 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)

5.6 The West Northamptonshire Joint Core Strategy (JCS) provides an up-to-date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

- S1 – The Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles
- C2 – New Developments
- H1 – Housing Density and Mix and Type of Dwellings
- H4 – Sustainable Housing

Northampton Local Plan Part 2 (2011-2029)

5.7 Following the adoption of the Northampton Local Plan Part 2, the following policies are materially relevant to the consideration of the application:

- Policy 1 – Presumption in favour of sustainable development (Significant Weight)
- Policy 2 – Placemaking and Design (Significant Weight)
- Policy 4 – Amenity and Layout
- Policy 13 – Residential and other residential led allocations
- Policy 14 – Type and Mix of Housing
- Policy 35 – Parking Standards

Material Considerations

5.8 Below is a list of the relevant Material Planning Considerations:

- Residential Extensions and Alterations Design Guide SPD
- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website.

Consultee Name	Position	Comment
Anglian Water	Comments	The application is not supported by information regarding drainage. Therefore planning conditions are recommended requiring the submission of details relating to the submission of a foul water drainage scheme and a surface water management strategy
Cllr Stone	Objection	Call in request on the grounds of overdevelopment and the development not addressing the authority’s vision of

		creating balanced and cohesive communities
Archaeology	No Comments	No comments on the application
Environment Agency	Comments	The EA does not wish to comment on this application
Ecology	No Comments	No comments on the application
Environmental Protection	Comments	The Officer had originally asked for a noise assessment to be provided. This was provided and reconsultation undertaken. The Officer advises that the report is a preliminary report and recommends that a condition securing noise levels is imposed, as the until the commercial uses are confirmed and any associated plant/machinery/refrigeration the mitigation required cannot be confirmed. Conditions have also been recommended in terms of the provision of extractors to the ground floor units, hours of operation, odour, construction environment management plan, lighting, land contamination.
Highways	Objection	The Highways Officer has objected to the proposed parking and delivery access area due to concerns regarding visibility. Amended plans have been submitted to try to overcome this issue. However, these comments have not been received at the time of writing this report.
Housing	Objection	The applicant has not confirmed that 35% of the proposed apartments would be affordable. Unclear whether any parking is provided for the residential properties.
Northamptonshire Police	Comments	The Officer has advised on the standards for security, such as doors, bike storage, communal entrance doors, post and deliveries and permeability between the apartment blocks
Development Management (S106) Function	Comments	Request for financial contributions towards early years education, primary and secondary school education libraries
Strategic Housing	Objects	No details of affordable housing have been provided. The proposal should provide 1 bedroom 2 person flats instead of the studio apartments.

7 RESPONSE TO PUBLICITY

7.1 No third party and neighbour responses have been received at the time of writing this report.

8 APPRAISAL

Principle of Development

- 8.1 The site is located within central Northampton within the Primary Shopping Frontage within the Town Centre. The existing building is currently vacant but was last in use under Class E as a large retail unit. The retention of the ground floor space for retail use is acceptable in principle. It is also considered that the subdivision of the units into 3no. smaller units, all fronting Abington Street, will enable a wider variety of uses and prospective tenants to utilise the space.
- 8.2 The aspirations for the town centre within local planning policy and the Central Area Action Plan which seek to promote the provision of mixed, sustainable communities that provide a combination of uses, including residential. Therefore, the provision of mixed development within the town centre is acceptable in principle.
- 8.3 It is also the case that the Council cannot presently demonstrate a five year housing land supply for the former Northampton Borough area. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.
- 8.4 Overall, Officers consider the retention of the ground floor for retail purposes and conversion and extension of the upper floors to provide 30no. residential acceptable and the principle of providing residential units is accepted.

Design and Character of the Proposed Development

- 8.5 The site lies within the Northampton Town Centre, with a mix of historic frontages and contemporary buildings aligning Abington Street with services areas and back of commercial units front The Ridings to the rear.
- 8.6 The proposed development would appear to provide two separate blocks of residential accommodation. Building 1 would front Abington Street, and would be 3 storeys on top of the ground floor retail unit, essentially, 4 storeys in height. Building 2 would be accessed from The Ridings, and would be a 5 storey block, on top of the ground floor, essentially 6 storeys in height. Between the two residential blocks, above the ground floor retail, would be a shared communal amenity space provided for the private use of the residents.

Building 1

- 8.7 The proposal retains the original art deco tiled facade facing Abington Street. This is an important design feature of the building, which is locally listed. The proposed elevations show that the existing tile facade and metal framed windows will be retained and restored, along with the reinstatement of the flagpoles to the two central tiled areas between the second and third floor. A new Mansard roof and extension to the provide a third floor would be constructed. The tiles used would be traditional and grey in colour. The retail units at the Ground floor would have aluminium framed windows and doors finished in beige, with areas for signage provided above. Any tiling would match the existing original tiles, such as the areas between the units and at either side between the adjoining buildings.
- 8.8 At the rear of this, facing into the shared courtyard amenity area, more contemporary materials are used with red facing brick used in the 1st and 2nd floor construction, with dark grey aluminium framed windows, and areas of dark grey metal cladding. Above

this, at 3rd floor level, light grey metal façade cladding would be used along with the dark grey aluminium glazed windows. Areas of clear glazing balustrading would provide separate at the first floor level to private amenity spaces.

Building 2

- 8.9 Building 2 has been designed to reinforce the more contemporary appearance of the rear elevation of Unit 1. Large areas of glazing are used to provide natural light to the internal staircase serving each floor. Larger windows, arranged in regular pattern provide light to the residential apartments, split over the top 5 floors with the ground floor more commercial in nature, providing access to areas of serving. Building 2 is largely finishes in a red/brown Cotswold facing brick with areas of corrugated dark grey cladding, grey metal façade cladding and white facing brick provided to add visual interest and break up the form of the building. At first floor level, the first residential level, glass balustrading to the private amenity spaces serving the flats facing communal shared amenity space are provided. The top floor of the proposal, reflects the change in material palette to grey metal cladding, as shown on the top floor of Building 1. The same dark grey aluminium windows are proposed as shown on the rear elevation of Building 1.

Overall

- 8.10 The proposed development responds to the positive character the existing front elevations makes to the character of the local area through its retention and the modern but in-keeping character of the contemporary extension proposed to create an additional floor at Building 1 and a new development at Building 2. Details of the materials and their finishes are included on the plans and are considered to provide sufficient detail such that a planning condition would not be required. The use of materials to add interest and create visual breaks in the proposal is considered to be of benefit to the design and distinguishes between the historic frontage of the locally listed building and modern extensions. It is acknowledged that the proposal, particularly Building 2 will be taller than those around it. However, the contemporary design of building 2 and the commercial/service context in which the building sits provides exceptional circumstances for the proposal. Overall, the design is considered positive and reflects the historic and contemporary features of this part of Northampton town Centre and the adjacent Derngate Conservation Area and St Giles Conservation Area.

Impact on the Conservation Area and Heritage Assets

- 8.11 The application site is locally listed building fronting onto Abington Street and is therefore deemed to be a designated heritage asset. In addition, the site in close proximity to the Derngate Conservation Area, which runs to the south of the site along The Ridings, Fish Street. The site also lies in close proximity to the St Giles Conservation Area and several listed buildings. The two closest listed buildings are both grade II and lie to the south of the site, within the Derngate Conservation Area, no. 182 Fish Street and nos.33045 St Giles Street.
- 8.12 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Likewise, Section 66 of the Listed Building Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 8.13 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.14 The application would retain the existing frontage, retaining the windows, fronting tiles and other key features. The existing elevation would be retained and restored. There would be a change at ground floor from the existing, which is currently a single retail unit into 3 retail units. However, this reflects the design of the existing frontage which is separated into 3 sections, with larger columns. What gives the single unit appearance is views into the interior and the continuous advertisement banner above. The proposal includes tiling to match the existing, to provide detail to the ground floor columns separating out each of the 3 retail units. The advertisements would require separate advertisement consent, however, the area that is shown above the ground floor windows, shows that subject to design and other relevant considerations, the provision of advertisement banners could be in-keeping with the building, context and local area.
- 8.15 The proposal does include an extension to the front elevation, to provide a 4th floor for residential accommodation. This would be visible from Abington Street. A change in materials, to traditional grey slate tiles would provide a visual separation from the tiled frontage of the existing building, yet provide a material that would be in-keeping with buildings of this type where extensions have been added over time. The proposed distinction through the change in materials from the historic frontage, which contributes positively to the local area and the local listing, is considered to be an appropriate design feature.
- 8.16 The additional height of Building 2 may be somewhat visible from Abington Street, however, given the viewpoint angle and set back from Building 1 because of the communal courtyard, any views are likely to be limited. However, due to the design of Building 2 being much more contemporary the treatment of the front elevation of Building 1, it would be read as clearly distinct in character and appearance. This ensures that the historic frontage of the existing building is legible and distinct from the contemporary character of Building 2.
- 8.17 Whilst it is accepted that there would be a visual change to the locally listed building when viewed from Abington Street, the key features of the frontage which positively contribute to the character of the building and local area have been retained. The careful use of materials, and changes in design to distinguish between the extension to Building 1 which is more traditional and the contemporary appearance of Building 2 creates a separation and respects the historic features. Overall, it is considered the design would have caused limited less than substantial harm to the locally listed building.
- 8.18 In terms of the impact upon the Conservation Areas, the larger extension to create Building 2 is located at the rear of the site, within an area of servicing for the retail units lining Abington Street, where there is a clear change, with adhoc building heights, styles and more commercial/service character. The proposed building 2 would respond well to the more contemporary commercial/service character of this

part of The Ridings. Whilst there would be a change, the proposal is considered not to cause harm to the character and appearance of the adjacent Conservation Areas.

- 8.19 The listed buildings are also considered to be located at a sufficient distance such that harm would not be caused to their setting as a result of the proposed development.
- 8.20 As required by the NPPF, where less than substantial harm is caused to designated heritage assets, this should be weighed against the public benefits of the proposal. As set out above, the proposal would cause limited less than substantial harm to the locally listed building, which is attributed less weight than if the building were listed or within a Conservation Area. That said, the building is of merit and does make a positive contribution to the local area and is a good representation with interesting features of its construction time. There are public benefits arising from the proposal through the provision of new residential accommodation within a sustainable location. This is afforded more weight in the balance given the Authority cannot currently demonstrate a sufficient supply of housing within the Northampton Area. As the harm caused is considered to be of limited less than substantial harm to a locally listed building and in response to the provision of needed residential accommodation within a sustainable location, the harm arising from the proposed development is considered to be outweighed by the public benefits of the proposal. As such, the proposed development would have an acceptable impact on the designated heritage assets and would accord with the NPPF and Policy 2 of the Northampton Local Plan.

Living Conditions and Amenity

- 8.21 The Authority must ensure that proposals for new development provide a satisfactory standard of amenity for all existing and future residents. The Nationally Described Space Standards are a starting point for considering whether sufficient internal amenity can be achieved.
- 8.22 The Nationally Described Space Standards set out minimum internal space standards depending on the size of property. In this case the proposed apartments provide one or two bedrooms. The accommodation schedule shown on the floor plans confirms that each apartment would meet the minimum internal space required by the Nationally Described Space Standards. The smallest apartment is apartment 8 on the second floor, at 40.38sqm, above the required standard of 39sqm, as set out in the Nationally Described Space Standards.
- 8.23 The Strategic Housing Officer had asked for the plans to be amended to remove the studio apartments and provide standard 1 bedroom 2 person flats, in accordance with the National Described Space Standards. Amendments to the application have been made and the application no longer proposes studio apartments.
- 8.24 Furthermore, it is important to consider the access to light and outlook for each apartment. The floorplans and elevations show that at least one window is provided to each habitable space, bedroom and living spaces. The living spaces are open plan living, kitchen and dining spaces.
- 8.25 In terms of privacy, there is the potential for overlooking between residential apartments across the internal communal area. The Residential Extensions and Alterations Design Guide SPD sets out that where properties have a front to front or rear to rear relationship there should be a minimum of 21metres of separation. In this case, the proposal provides a separation distance of 17.4metres at the closest point. This widens, given the plan form of the proposal 19metres at its furthest. Officers acknowledge that this would be short of the spacing set out within the Residential

Extensions and Alterations Design Guide SPD. However, given the town centre location and the type of flatted development proposed, it is considered that in this case, a shorter separation distance would be acceptable.

- 8.26 The Town Centre is undergoing change, with applications for changes of use to residential above existing retail becoming more common. However, there are no permitted changes of use within close proximity to the site, that the site would have an impact on privacy, outlook or visual impact.
- 8.27 Overall, the proposed development would have an acceptable impact upon the amenity of future and existing residents. Therefore, the proposal would accord with Policy 4 of the Northampton Local Plan Part 2.

Highway Safety

- 8.28 The site is located within the Town Centre within the secondary shopping frontage and adjacent to the primary shopping frontage along Abington Street. The proposal would provide 3 on plot parking spaces and delivery area for the retail units.
- 8.29 The site is located within a highly sustainable location with strong access to the range of services within Northampton Town Centre and a range of public transport options. Whilst the parking proposal is clearly below the required standard set out within the Parking Standards SPD, given the site is within such a sustainable Town Centre location, Officers consider that there would not be severe harm caused to highway safety as a result of the proposed development. It is noted that no objection to the proposed parking provision has been raised by the Highways Officer.
- 8.30 The Highways Officer has raised concerns and objected to the proposal due to the current parking and service area proposed on the grounds of pedestrian and vehicle visibility and the layout providing unsatisfactory space for turning. The applicant has provided amended plans seeking to address the concerns of the Highways Officer on these matters. At the time of writing this report, these plans are out to re-consultation and an update will be provided to the Committee. However, Officers consider that an acceptable proposal could be achieved on the site.

Flood Risk and Drainage

- 8.31 The application site falls within Flood Zone 1 as defined by the EA's flood risk maps, which are the areas with the lowest risk of flooding. As such, the site is considered not to be at significant risk of flooding.
- 8.32 Anglian Water have been consulted on the proposed development and advise that given the proposal would result in an intensification in the use of the site, there would be additional demands placed on existing foul and surface water drainage services within the local area. As such, it is reasonable and necessary for conditions to be imposed should planning permission relating to the submission of foul water and surface water drainage and management.

Environmental Amenity

- 8.33 Proposals must demonstrate that they provide a satisfactory standard of amenity for occupiers in response to environmental matters such as noise, air pollution and light pollution. The site is located within Northampton Town Centre, on a secondary shopping frontage where there are several retail and other commercial properties within

close proximity. The ground floor of Building 1 would retained a separated into 3 retail units.

Noise

- 8.34 As noted by the Environmental Protection Officer, there are significant noise sources within close proximity to the site. The application has been supported by a Noise Assessment. Given the proposal include the provision of residential accommodation, it is important that the amenity of residents is not unduly harmed by noise pollution. It is noted that the end use of the retail units is not yet known, and therefore securing a noise assessment in respect of the commercial use is required together with any mitigation required. The Environmental Protection Officer also recommends conditions relating to the achieving sufficient noise levels, noise mitigation, hours of operation. These conditions are considered reasonable and necessary and included as part of the recommendation. The Officer has requested a condition requiring the submission of commercial kitchen extract details. However, as the proposal seeks permission for ground floor units and not food outlets, this condition is not required.

Odour

- 8.35 The site is located in close proximity to odour sources from food outlets within the local area. As such, the Environmental Protection Officer advises an odour assessment is provided along within any mitigation necessary.

Construction Phase

- 8.36 It is noted that the application has been supported by a Construction Management Plan. However, in response to the consultation the Environmental Protection Officer and Highways Officer have not commented on this document. Given the location of the site within a busy public shopping area, it is considered reasonable and necessary to impose a condition securing details of Construction Management. However, the Officers have been asked to review the document and confirm whether it is acceptable. The condition will be updated as necessary prior to Planning Committee.

Air Quality

- 8.37 The Environmental Protection Officer supports the provision for cycle storage on site and that encouraging the use of sustainable means of transport is positive. However, notes that connection to existing cycle paths is not provided. Given the relatively small scale of the proposed development, it is considered unreasonable to secure contributions towards off-site cycle path connections.

Light

- 8.38 A condition is recommended by the Environmental Protection Officer securing details of external lighting. This is considered reasonable within the context of new residential development and given the inclusion of the shared communal space.

Land Quality

- 8.39 A condition is recommended by the Environmental Protection Officer securing details of site contamination and any necessary remediation. This request is considered reasonable within the context of new residential development.

Planning Obligations

- 8.40 The Planning Obligations SPD set out the requirements for development proposals to mitigate the impacts they have on a local area through providing planning obligations, where developments provide 15 or more residential units. Policy H2 sets out the requirement for development proposals of 15 or more residential units to provide 35% on-site affordable housing.
- 8.41 As the development provides an internal communal space, it is considered that given the scale of the proposal that a financial contribution towards off-site open space and leisure space would not be reasonable and would fail to meet the CIL tests.
- 8.42 A financial contribution towards Early Years education is sought and is considered reasonable and related to the development proposed and would meet the CIL tests.
- 8.43 The other contributions towards primary and secondary education and libraries do not meet the CIL tests and therefore, cannot be sought towards the development.
- 8.44 The applicant has provided a financial viability appraisal which has been reviewed by an independent advisor on behalf of the Local Planning Authority. A review of the viability appraisal has confirmed that the scheme as presented would be unviable in relation to the full policy compliant obligations sought. The Advisor recommends that 0% Affordable Housing provision is supported by the financial viability appraisal however, the financial contribution towards Early Years education is viable in this case. The independent appraisal also included the CIL contributions required.
- 8.45 Officers accept the findings of the independent viability assessment and is of the view that the redevelopment of the site to provide residential accommodation, albeit not in accordance with affordable housing policy, is acceptable on this occasion as the authority is currently unable to demonstrate a 5 year housing land supply and that also sufficient justification, in the form of the independently assessed viability details, have concluded that the scheme would be unviable in this case if affordable housing were provided however, note that the development can viably provide contributions towards Early Years education. As such, the recommendation includes the completion of a s106 agreement, securing a financial contribution towards Early Years education.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbouring amenity, the highway system, or crime and safety. Whilst the development will result in limited harm to the historic environment by virtue of the loss of views from far Cotton Bridge, this harm is assessed as being less than substantial and any harm would be outweighed by the public benefits of the scheme by ensuring a long-term viable use for the site and significant levels of housing. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, H1, H14, S1, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Polices 1, 2 and 4 of the Northampton Local Plan Part 2.

11 RECOMMENDATION

- 11.1 It is recommended that planning permission is granted subject to the removal of the objection from the Highways Officer, the planning conditions as set out below and the completion of a S106 agreement to secure a financial contributions towards Early Years education with delegated authority to the Assistant Director – Planning and Environment to approve any amendments to those conditions as deemed necessary.

12 CONDITIONS

Time

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Basement Plan 20210703 PL09 R00
Proposed Ground Floor Plan 20210703 PL10 R04
Proposed First Floor Plan 20210703 PL11 R03
Proposed Second Floor Plan 20210703 PL12 R02
Proposed Third Floor Plan 20210703 PL13 R02
Proposed Fourth Floor plan 20210703 PL14 R02
Proposed Top Floor Plan 20210703 PL15 R02
Proposed Roof Plan 20210703 PL16 R00
Proposed Sections 20210703 PL17 R02
Proposed Elevations 20210703 PL18 R02
Proposed Side Elevations 20210703 PL19 R00
Proposed Elevations Building 1 20210703 PL20 R01
Proposed Elevations Building 2 20210703 PL21 R02
Proposed Block Plan 20210703 PL24 0703 R00
Bicycle Details 20210703 PL26 R00
Proposed Block Plan – Ground Floor 20210703 PL27 R00

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

Noise

3. Prior to the commencement of development a scheme for achieving the noise levels contained within BS8233:2014 (or any standard revoking and replacing that standard with or without modification) with regards to the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented prior to first occupation of the residential units and a post installation report shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without prior written approval from the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

4. No above ground new development shall commence until a scheme of noise insulation of party construction between the residential units and the non-residential uses, and between each residential unit, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the residential unit(s) to which it relates.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Restrictive Condition

6. The non-residential uses hereby permitted are to be permitted to trade between the hours of 07:00 and 23:00 on any day and at no other time.

The delivery/collection of goods associated with the non-residential uses hereby permitted shall only be permitted to take place between the hours of 08:00 hrs and 19:00 hrs on any day.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Odour

7. Prior to the commencement of works above slab level, an odour assessment that outlines the likely impact on any sensitive property and the measures necessary to ensure that odour does not affect the amenity of local residents shall be submitted to and approved in writing by the Local Planning Authority. Once approved, any mitigation necessary shall be implemented and completed prior to the first occupation of the development

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

CEMP

8. Prior to the commencement a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Lighting

9. No above ground development shall commence until a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers - Secured by Design publication "Lighting Against Crime - A Guide for Crime Reduction Professionals", ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, page 25 of the guide, relating to Environmental Zone E3 Medium district brightness areas. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Contamination

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

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

Reason: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Drainage

11. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

12. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

13. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the aims of the NPPF and BN7 of the West Northamptonshire Core Strategy.

Secured by Design

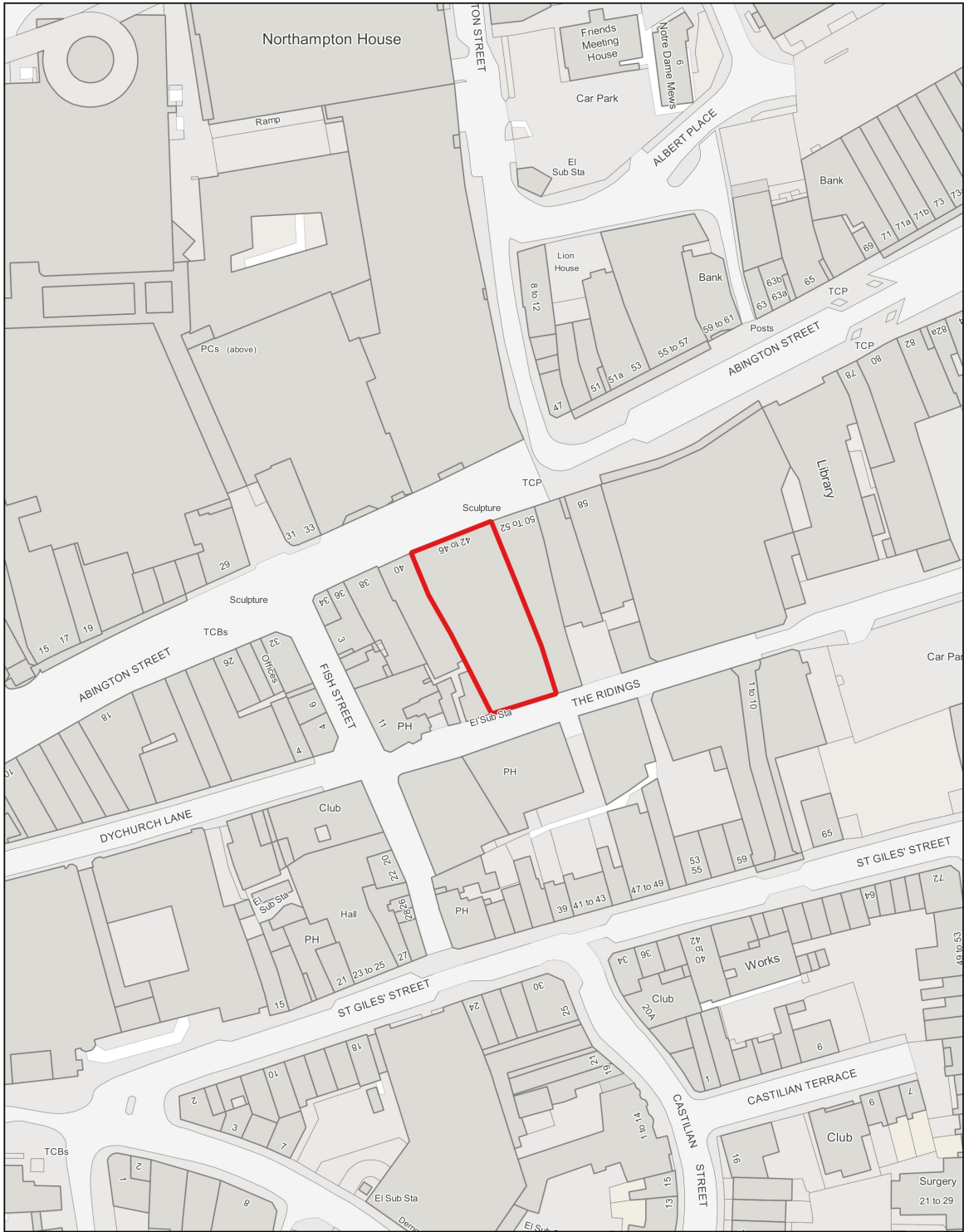
14. Prior to any works above lower ground floor slab level, a scheme providing details of the measures to be incorporated into the development demonstrating how the principles and practices of 'Secured by Design' have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

Refuse

15. The commercial and residential refuse stores as shown within plans (Proposed Block Plan – Ground Floor 20210703 PL27 R00) shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for bin storage.

Reason: In the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: **42-48 Abington Street, Northampton**

© Crown copyright and database rights 2022 Ordnance Survey licence no. 100063706

Date: 20-03-2023

Scale: 1:1,250 @A4

Drawn: M Johnson