



PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1055

LOCATION: 14 - 18 St Michaels Road

DESCRIPTION: Proposed construction of a residential development, comprising 22no. self-contained apartments, with associated storage, refuse store, cycle store and external amenity

WARD: Castle Ward

APPLICANT: Mr Taylor
AGENT: Mr Jonathan Weekes

REFERRED BY: Director of Planning and Sustainability
REASON: Major application with no S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The proposal would bring about the development of a prominent derelict site in the Town Centre and within the Boot and Shoe Quarter Conservation Area. The development of which as proposed would make a positive contribution towards the character and appearance of the area and the setting of adjacent heritage assets and contribute towards the Council's 5-year housing supply. The site is in a sustainable location with good access to the Town Centre and public transport and the proposal, subject to conditions, would provide an appropriate level of amenity for future occupiers and would not lead to any unacceptable impacts in respect of surrounding amenity, highway conditions, or environmental impacts.

It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of Section 106 contributions required is applied and that, on balance, the lack of contributions would be outweighed by the environmental and social benefits of the proposal. As such, the proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S1, S3, S10, C2, H1, BN7, BN9, INF1, INF2 and N1 of the West Northamptonshire Joint Core Strategy, and Policies 1 and 16 of the Northampton Central Area Action Plan.

2 THE PROPOSAL

- 2.1 The application proposes the residential development of a brownfield site within the Central Area. The proposed development would comprise the erection of a 3-storey building, when viewed from St. Michael's Road, with a 4th floor set within the roof slope. From the rear the building would comprise of 6-storeys with the provision of two additional below ground levels, Garden Level and Lower Ground Level, due to the change in ground levels of the site which steps down at the rear from street level.
- 2.2 The proposed accommodation would comprise of 10 x 1-bed, 12 x 2-bed apartments. Access to the building would be from St. Michael's Road, with a lift providing internal access to all floors. A separate refuse storage area is provided at ground floor level with an external access door from St. Michaels Road and internal access for residents. Cycle storage is proposed at Lower Ground Level with access via the lift. A communal garden area is proposed at the rear of the site with some of the apartments having access to a small private terrace area. No parking provision is proposed.

3 SITE DESCRIPTION

- 3.1 The application site comprises a vacant overgrown brownfield site within the Central Area previously occupied by Victorian industrial buildings.
- 3.2 The site is situated within the Boot and Shoe Quarter Conservation Area and sits alongside Nos. 20-26 St Michael's Road, a Grade II listed 3-storey building to the east, and opposite the Grade II listed former Hawkins factory building on the opposing side of St Michael's Road. To the south of the site beyond the Northampton College car park is the Grade II listed Former Cannon Cinema building on Abington Square.
- 3.3 To the immediate west of the site is a group of 3-storey residential terraces that front onto St. Michael's Road. To the immediate rear of this group of terraces, along the boundary with the application site, is an unusually located detached dwelling. St Michael's multi-storey car park is situated to the south east of the site. The surrounding area is a mix of resident and commercial uses.
- 3.4 The site levels drop by approximately 5-6m from St. Michael's Road to the rear boundary of the application site.

4 PLANNING HISTORY

- 4.1 N/2011/0115 - Lawful Development Certificate for commencement of development for 20 flats (planning permission N/2004/0683). Issued 27/05/11.
- 4.2 N/2004/0683 - Erection of 20 flats. Approved 24.06.04.
- 4.3 N/2002/314 - Demolition of existing buildings and erection of 19no apartments. Approved 11.12.02.
- 4.4 99/0751 - Conversion of building to flats, part demolition and erection of new flats. Approved 25.08.99.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Central Area Action Plan (2013).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

6.1 **The National Planning Policy Framework (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 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change and flooding
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

6.2 **West Northamptonshire Joint Core Strategy (2014)**

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:

Policy SA - Presumption in Favour of Sustainable Development
Policy S1 - Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S10 - Sustainable Development Principles
Policy H1 - Housing Density and Design
Policy H2 - Affordable Housing
Policy N1 – The Regeneration of Northampton
Policy N2 - Northampton Central Area
Policy C2 - New Developments
Policy BN2 - Biodiversity
Policy BN5 - Heritage Assets
Policy BN7 - Flood Risk
Policy BN9 - Planning for Pollution Control
Policy INF1 - Infrastructure Delivery
Policy INF2 - Infrastructure Requirements

6.3 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1 - Promoting Design Excellence
Policy 10 - Parking
Policy 16 - Central Area Living

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Planning Obligations SPD 2013

6.5 **Other Material Considerations**

Boot and Shoe Quarter Appraisal and Management Plan (2011)

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Conservation Officer (NBC)** - no objection to revised plans which show ground floor now at the back of the footway to provide an active frontage to the street (amended to remove previous ground floor recess). Vacant former industrial site alongside grade II listed building (20-26 St Michael's Road) and facing former Hawkins building. Site presently has negative impact on Conservation Area and redevelopment of the site is welcome in principle. Height and design of building is acceptable and reflects previous use of site and industrial character of area and will have an acceptable impact on adjacent and nearby listed buildings. Materials used should be agreed by condition.
- 7.2 **Public Protection (NBC)** - the submitted Noise Assessment demonstrates that traffic noise meets the "Significant Observed Adverse Effect Level". Measures to mitigate and reduce exposure through building design through glazing and ventilation schemes will need to be carefully considered to assist with the reduction of noise exposure and air quality matters. The submitted Air Quality Assessment demonstrates that the annual mean NO₂ concentrations are exceeded at the front of the development site. A ventilation solution is required to reduce exposure on both noise and air quality grounds which can be conditioned if the information is not available at this time. Openable windows will not be acceptable for ventilation on the west facade ground floor to 2nd floor receptors and east ground floor to 2nd floor receptors. Request condition for Construction and Environmental Management Plan and contamination mitigation.
- 7.3 **Highway Authority (NCC)** – no objection but will require cycle provision mentioned to be detailed on scaled drawings to ensure it meets the required cycle parking provision.
- 7.4 **Lead Local Flood Authority (NCC)** – having reviewed the Flood Risk Assessment, content with the drainage strategy however we require that the applicant contacts the water authority as there is no right of discharge using the existing connection. An AW Pre Planning Assessment will confirm the point of connection and maximum discharge rate into the AW surface water system. If the approved discharge rate of 2.5l/s is lower than the AW approved rate the lower rate will be expected. Unable to confirm at this stage that sufficient information has been received in regards the drainage strategy until AW have given approval for the discharge. Permission will be required to discharge to manhole outside the site boundary, but AW indicate they do not own the asset. Applicant will be required to ascertain owner of private sewer and seek permission to discharge. If private sewer discharges to an AW sewer upstream AW should be consulted and permission obtained.
- 7.5 **Environment Agency** – no objection.
- 7.6 **Anglian Water** – there is available capacity for foul drainage. Submitted FRA unacceptable with no evidence to show surface water hierarchy has been followed. Recommend condition for surface water management strategy to be approved and no hard-standing to be constructed until works carried out in accordance with strategy.
- 7.7 **Ecology (NCC)** – aerial and street views indicate the site is vegetated and a large tree is indicated on the topo drawing however, neither an ecological or arboricultural survey has been provided.

Considered there is insufficient information to determine the application. Given amount of scrub habitat and lack of landscaping in the proposal, initial assessment is that development will constitute a net biodiversity loss inconsistent with paragraph 175 of the NPPF. The applicant will need to demonstrate how the proposal delivers a net biodiversity gain.

- 7.8 **Northamptonshire Police Crime Prevention Design Advisor** - no objection in principle, but serious reservations as no reference to security. Development is in challenging part of town and in order to provide any quality of life for the residents, the applicants should be able to demonstrate a layered approach to security of the block incorporating measures to reduce both anti-social behaviour and crime. Ground floor windows will need to comply with requirements of BS PAS24:2016 with one pane of laminated glass to P1A standard to withstand forced entry. Units require compartmentalisation to prevent unauthorised access, e.g. fob control on lift, all stairwell doors, inner lobby door and communal access door at front. Electronic access control for front door with audio visual and no trade buttons. Secure external post boxes. Secure bike storage and flat entrance doors to meet BS PAS24:2016.
- 7.9 **Town Centre Conservation Area Advisory Committee (TCCAC)** – the Committee welcomed the changes to the front elevation at ground floor but reiterated the previous recommendation that the materials need to be carefully considered to enhance the setting of the listed buildings adjacent and opposite. The Committee remains concerned about the impact on traffic and parking, particularly in light of other approved proposals in the area.
- 7.10 **County Archaeologist (NCC)** – no comments to make.
- 7.11 **Development Management (NCC)** – proposal will generate pupil yield of approximately 4 nursery/ pre-school pupils, 2 primary school pupils and 1 Secondary & Sixth Form School pupil. Early Years capacity is currently under review and therefore not possible to determine current capacity. Request contributions towards primary and secondary education, contribution towards improvement, enhancement or expansion of library facilities, provision of a minimum of 1 x fire hydrant and measures to ensure connectivity to full fibre broadband.
- 7.12 **Housing Strategy (NBC)** – would expect a scheme of this size to provide 35% affordable housing. Overwhelming need is for family-sized affordable or social rented accommodation (2 and 3 bed houses, site allowing).
- 7.13 **Construction Futures** – request financial contribution towards construction training provision.
- 7.14 **NHS England** – based on an average household of 2.39 per dwelling, the development for 22 dwellings could result in an increased patient population of 53. Request financial contribution towards healthcare provision.
- 7.15 Two representations have been received; the comments of whom are summarised as follows:
- Land has been vacant for years and attracts rubbish and vermin. Development of site will be very good asset to the area. Support sympathetic development of the site.
 - These flats would be a huge improvement to the surrounding area. There is suitable demand for car-free development as shown by nearby developments with parking, mostly due to proximity town centre and amenities.
 - Regeneration of Boot and Shoe Conservation Area should be encouraged.

8 APPRAISAL

Principle of development

- 8.1 The NPPF supports the provision of sustainable development and a variety of housing in respect of size, type and tenure to meet the varied needs of the community. The application site is in a primarily residential area within the urban area of Northampton and, therefore, development of the

site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy (JCS). In addition, Policy 16 of the Central Area Action Plan (CAAP) promotes town centre living to add the vitality, viability and sustainability of the town allowing for the provision of residential development comprising of 1 or 2 bedroom apartments.

- 8.2 The principle of development of the site for residential use has historically been accepted through the grant of various planning permissions. The site is subject to an extant permission for the erection of 20 flats granted in 2004 the implementation of which was confirmed with the issue of a Lawful Development Certificate in 2011 following confirmation of drainage works carried out on site.
- 8.3 Notwithstanding the above, the Council cannot presently demonstrate a five years housing land supply. 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 as proposed would contribute towards the Council's housing supply, and this therefore weighs in favour of the proposal. In addition, the proposal would benefit the vitality, viability and sustainability of the town centre and contribute to the regeneration of the central area. Furthermore, the NPPF advises that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes.

Design and Heritage Assets

- 8.4 Policy H1 of the JCS and Policy 1 of the CAAP place great importance on the quality of design of new developments and are in conformity with the NPPF, which advises that planning should always seek to secure high quality design.
- 8.5 The NPPF aims to ensure that the significance of heritage assets is sustained and enhanced, and that new development makes a positive contribution to local character and distinctiveness. Any harm identified should be outweighed by the public benefits of the proposal. Policies S10 and BN5 of the JCS and Policy 1 of the CAAP reflect these aims to preserve and enhance heritage assets.
- 8.6 The application site has been derelict for some time and currently detracts from the character and appearance of the Conservation Area and the setting of the surrounding listed buildings. The sympathetic development of the site would therefore make a positive contribution to the character of the area.
- 8.7 The application proposes a more contemporary design approach to the previously approved scheme which was of a more traditional design. The building has been designed to reflect some of the characteristics of the adjacent listed building to the east. The front elevation has a strong vertical and horizontal rhythm with the presence of projecting brick piers and recessed windows and the use of recessed brick details and banding to align with the neighbouring buildings. The 4th floor, when viewed from St Michael's Road, has been set back allowing the bulk of the building to follow the eaves line of the adjacent properties and reflect the adjacent 3-storey height. Whilst the overall ridge height of the building sits slightly higher than the buildings either side, the ridge height is an overall reduction to the previously approved scheme. The scheme has been amended to remove an originally recessed ground floor to the front elevation at street level and maintain the strong building line of existing properties abutting the footway and provide an active frontage to the street. The rear elevation appears as a 6-storey building reflecting the changes in level continuing the strong vertical and horizontal window arrangement but with a staggered building line with two projecting gables. Flat roofed elements step progressively out providing private terraces for some of the units. The footprint of the proposed scheme broadly follows the footprint of the extant consent.
- 8.8 Materials are proposed as a red multi brick, to compliment the surrounding buildings, with stone cills to front and rear elevations and the use of red clay tiles, with composite aluminium windows and doors throughout. Precise material details would be agreed by condition to ensure they are appropriate to the design of the building and sympathetic to the character of the surrounding area.

- 8.9 An external communal amenity space is proposed to the rear of the building with access for all occupiers from the internal core of the building. Details of boundary treatments to the rear of the site would be agreed by condition.
- 8.10 Pedestrian access to the building would be via an entrance from St Michael's Road. A condition to ensure appropriate consideration is given to security measures throughout the building, including access to and within the building, is proposed ensure a secure environment is achieved.
- 8.11 It is considered the proposed development is of a sympathetic design, scale and massing that would complement, enhance and make a positive contribution to the character of the Conservation Area and the setting of adjacent listed buildings.

Residential Amenity

- 8.12 The NPPF at paragraph 124 advises that good design is a key aspect of sustainable development. Paragraph 127 advises on the need to ensure that new development provides a high standard of amenity for existing and future users, which is reflected in Policy H1 of the JCS.
- 8.13 The development comprises a mix of 10 x 1-bedroom apartments (3 of which would be a bedsit arrangement) and 12 x 2-bedroom apartments, with some units laid out as duplex apartments over two floors. All the units would be of a reasonable size, the majority of 1-bed units ranging from approximately 35-50 square metres floor area, with only one bedsit unit at 30 square metres, and the 2-bed units ranging from approximately 55-72 square metres. All units would have a good level of light and outlook.
- 8.14 A communal area of private amenity space would be provided at garden level to the rear of the site with some units provided with an external terrace area. A condition to agree the details of boundary treatments would ensure that an appropriate boundary treatment is secured to maintain the privacy of occupants of the proposed units adjacent to the communal amenity space.
- 8.15 Lift access is proposed to all levels with the lift of sufficient size to accommodate bicycles and allow access to the proposed lower ground floor cycle store. An enclosed refuse storage area is proposed at ground floor level with internal access for occupants of the apartments from within the building and external inward opening doors onto St Michael's Road to allow for refuse collection.
- 8.16 Overall, it is considered that the proposed design and layout would provide a good standard of amenity for future occupiers in accordance with policy requirements.
- 8.17 In respect of existing occupiers, Nos. 20-26 St Michael's Road is situated to the east of the site and comprises a Grade II listed 3-storey building in commercial use. The building has a blank gable end and a 3-storey high wall extending along the boundary with the application site. The footprint of the proposed building adjoining this neighbouring boundary reflects that previously approved with the proposed ridge line set marginally higher. It is not considered the proposal would lead to any adverse impact on this adjoining property. The existing commercial use appears to be light industrial and as such is compatible with residential use.
- 8.18 Nos.12 and 12a St Michael's Road are situated to the immediate west of the site and comprise a 3-storey end terrace with a separate 2-storey building to the rear (no. 12a). Nos. 12 and 12a had consent for conversion from a HiMO to 5 flats in 2000. It would appear that this has been implemented. No. 12 has a blank gable wall facing directly towards the application site and a 3-storey high wall extending from the rear eaves line to the rear of the site along the boundary which drops to a lower wall enclosing a rear courtyard area between the rear of No.12 and the front of No. 12a. No. 12 has rear facing habitable room windows set behind this 3-storey boundary wall. The side gable of no. 12a faces towards the application site with side facing secondary windows at ground floor level that appear to serve a kitchen and living room.

- 8.19 The ground level of Nos. 12 and 12a sits at a higher level than the application site at the rear, such that the part of the proposed building adjoining the boundary would effectively be 5-storey with a gable roof sloping away from this boundary. The footprint of this part of the building extends approximately 0.5m further along this neighbouring boundary than the previously approved scheme. In addition, a 5-storey flat roof element, which would appear as 4-storeys from this neighbouring property, would extend from the proposed rear gable stepping in from the neighbouring boundary by approximately 3.8m and extending outwards by approximately 2.3m further towards the rear boundary of the application site at ground level than the previously approved scheme. In respect of building heights, the overall ridge height would be marginally lower than the approved scheme in relation to Nos. 12 and 12a. No windows are proposed that would directly overlook these neighbouring properties. Whilst it is acknowledged there would be some impact on the amenity of adjacent occupiers, the impact would not differ significantly to that which would occur under the permitted scheme and therefore, the proposal is considered acceptable in this regard.
- 8.20 The Hawkins building is situated directly opposite the site on St Michael's Road and is currently vacant with consent for conversion to residential use. The proposal would not lead to any conflict with the proposed use on this site. The buildings and car park of Northampton College are situated directly behind the site and would not be adversely affected.
- 8.21 It is not considered that the proposal would lead to any unacceptable adverse impact on adjacent residential amenity in accordance with policy requirements.

Drainage and Flood Risk

- 8.22 The NPPF seeks to ensure that in determining development proposals flood risk is not increased elsewhere and that development does not contribute to or is put at risk from unacceptable levels of water pollution. Policy BN7 of the Joint Core Strategy states that all new development should demonstrate that there is no increased risk of flooding to existing properties and should seek to improve existing flood risk management.
- 8.23 The application site is in Flood Zone 1 with a low probability of flooding. The application comprises a major development however and is therefore accompanied by a Flood Risk Assessment. The agent has advised that it is understood that the previous buildings on site drained into the sewer to the rear of the site and this was the intended drainage solution for the extant permission, part of which has been constructed implementing this previous consent as established under the Certificate of Lawful Development. In the event that this drainage solution is no longer feasible, the developer would look to discharge surface water into St Michael's Road using a pumping system due to the change in levels and subject to Anglian Water's approval.
- 8.24 The relevant drainage authorities have been consulted and raise no objection in principle subject to the submission of a detailed surface water drainage strategy which would be agreed by condition.

Highway Matters

- 8.25 The County and Borough Councils' Parking Standards provide guidance on the parking requirements for different use classes. In addition, Policy C2 of the JCS and Section 9 of the NPPF seeks to promote sustainable transport and modal shifts to non-car modes of travel. Furthermore, the guidance in the NPPF requires and safe and suitable access for all developments and details that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 8.26 The proposed development would not include the provision of any on-site parking and, due to the nature of the site and varying levels, it would be difficult to do so. It also noted that the extant permission for 20 flats makes no provision for on-site parking. In the immediate vicinity of the site, there are double yellow lines on both sides of the carriageway which would prohibit parking, with

the lane immediately to the front of the site a designated right hand turn lane for St Michael's Car park located to the west of the site.

- 8.27 Whilst the lack of parking is not ideal, future occupants would be fully aware of the situation. St Michael's car park is in close proximity to the site with the potential to offer parking provision to occupiers and visitors. The site is in a sustainable location in the Town Centre with good access to local facilities and public transport. Furthermore, the Highway Authority raise no objection.
- 8.28 The Northampton Parking Standards (September 2016) seek to secure one cycle space per bedroom. The proposal includes sufficient provision of a cycle storage at Lower Ground level to accommodate 36 cycle spaces with suitable lift access. Specific details of the type of cycle storage would be agreed by condition and retained in perpetuity.
- 8.29 It is not considered the proposal would lead to any unacceptable impact on highway safety or the highway network.

Noise, Air Quality and Contamination

- 8.30 The NPPF seeks to ensure that development is appropriate for its location in respect of pollution and contamination and impacts of noise arising from development are minimised. Policies S10 and BN9 of the JCS seek to ensure new development minimises pollution from noise, air and run off.
- 8.31 The application is supported by a Noise Assessment which identifies that the site is in an area where there is a 'significant observed adverse effect level' due to road traffic noise likely to affect every day living in the proposed residential development. In addition, the application is situated in an Air Quality Management Area and an Air Quality Assessment Report has been submitted which identifies that the NO₂ concentrations at the front of the development site are exceeded.
- 8.32 Public Protection has been consulted and advise that if the site is to be developed a ventilation solution is required to reduce exposure on both noise and air quality grounds. Openable windows will not be accepted on the affected facades. A condition is therefore recommended to agree the details of an appropriate scheme to ensure the required level of mitigation to protect the amenity of future occupiers.
- 8.33 Due to the site's previous industrial use conditions are recommended for further investigation and mitigation as necessary in respect of contamination. A condition requiring the approval of a Construction and Environmental Management Plan is recommended to ensure impacts on surrounding amenity are protected during the course of construction.
- 8.34 Subject to conditions, it is not considered the development would give rise to any unacceptable impacts in respect of pollution and contamination and that an appropriate level of mitigation could be achieved in accordance with policy requirements.

S106, Affordable Housing and Viability

- 8.35 Policies INF1 and INF2 of the Joint Core Strategy seek to secure the provision of infrastructure needed to serve new developments, such as education, healthcare, open space provision and construction training, either directly on site or by a financial contribution secured through a Section 106 planning obligation.
- 8.36 In addition, the NPPF details that major housing developments should be expected to provide at least 10% affordable housing. Policy H2 of the JCS seeking the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need. In terms of viability, the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence underpinning it, is up to date. Furthermore, the Planning Practice Guidance supporting the NPPF provides

detailed standards for viability appraisals and indicates that an assumption of 15-20% profit is a suitable developer return.

- 8.37 The application has been supported by a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions. The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and concludes that a policy compliant scheme, providing affordable housing and S106 requirements would not be viable.
- 8.38 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, or Section 106 contributions, which would make the scheme unviable and therefore undeliverable. It is noted that the County Council are seeking contributions for not only primary education but also secondary education. However, secondary education is addressed by CIL contributions and therefore, and given that it is considered that the scheme would be unviable as detailed above, it is considered that it is not reasonable to require such contributions for secondary education under a Section 106 Agreement. CIL payments are non-negotiable and would be payable notwithstanding the conclusions of the viability report.
- 8.39 The County Council are also seeking financial contributions for libraries but, in the absence of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within a Legal Agreement.
- 8.40 A further requirement is for the provision of construction training, contributions towards healthcare and the Council would also normally seek contributions relating to off-site open space to mitigate the impacts of the development. These requests would satisfy the tests for planning obligations and the payments would be secured through a Section 106 Legal Agreement. However, these Section 106 contributions are also subject to viability assessment as discussed above. Furthermore, given that conclusions of the viability assessment, the requirement for any contributions in these respects would result in the development being unviable and this is a material consideration in determining the planning application.
- 8.41 Overall, it has been demonstrated through viability assessments that the scheme cannot afford to deliver any affordable housing or Section 106 contributions. Whilst this would result in a level of harm, particularly in relation to the inability for the development to fully mitigate its impacts on education and health, overall, and as part of a balanced assessment, it is considered that this harm is outweighed by the significant benefits of the redevelopment of a prominent brownfield site within part of the historic core of Northampton Town Centre and the provision of much need housing.

Other Considerations

- 8.42 The County Ecologist has advised that aerial and street views indicate the site is vegetated and given the amount of scrub habitat the development would constitute a net biodiversity loss. Whilst there is an element of scrub remaining on the site, the agent has advised that the site was cleared in April 2019 and that no evidence of protected species was identified during this clearance works with the vegetation on site now comprising predominantly buddleia bushes and weeds set upon the crushed remnants of the previous building.
- 8.43 Given that there is an extant permission to develop the site and that there is separate legislation in place to protect protected species should any protected species subsequently be discovered on site, it is not considered this should prohibit development. The proposed scheme includes the provision of a small area of communal open space, unlike the extant scheme, and an appropriate landscaping scheme would be agreed to provide some enhancement.

- 8.44 It is acknowledged that the County Council are seeking a condition relating to fire hydrants, however there is no policy basis for such a condition and these matters are addressed under the Building Regulations.

9 CONCLUSION

- 9.1 The proposal would bring about the development and regeneration of a vacant brownfield site within the central area that currently detracts from the appearance and character of the Boot and Shoe Quarter Conservation Area and setting of adjacent listed buildings. The design of the development and residential use would contribute positively to the character and appearance of the area and make a positive contribution towards the Council's 5 years housing supply. The proposal would provide an appropriate level of amenity for future occupiers and would not lead to any unacceptable impacts on surrounding amenity or commercial uses, highway impacts or environmental impacts in accordance with policy requirements.

10 CONDITIONS

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.

2. The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP which shall include:

- i. Traffic management and signage during construction.
- ii. Parking for site operatives and visitors.
- iii. Storage areas for plant and materials.
- iv. The erection and maintenance of security fencing/hoardings and lighting.
- v. Welfare and other site facilities.
- vi. Working hours and delivery times.
- vii. Measures to control noise, vibration, dust and fumes during construction

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

4. Prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

5. Notwithstanding the submitted details, no drainage works shall commence until a detailed Surface Water Management Strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the drainage works have been carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development and in the interests of flood prevention in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Prior to commencement on site, a scheme of investigation and risk assessment shall be completed 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 and a written report of the findings shall be submitted to the Local Planning Authority for approval in writing. 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).

Reason: To ensure the effective investigation and remediation of contaminated land sites in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

7. 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 shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

Reason: To ensure the effective investigation and remediation of contaminated land sites in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The approved remediation scheme must be carried out in accordance with the approved details 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the effective investigation and remediation of contaminated land sites in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure a satisfactory standard of development.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

Reason: To ensure the effective investigation and remediation of contaminated land sites in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a health exposure assessment including an acoustic / air quality filtered ventilation scheme to serve the new apartments including non-opening windows on the front façade shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.

Reason: To protect future occupiers of their dwellings and in the interests of residential amenity in accordance with Policies H1, BN9 & S10 of the West Northamptonshire Joint Core Strategy.

11. Notwithstanding the submitted detail, prior to any works above ground, details of all proposed external facing materials including window frames, doors, balcony and balustrade details, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the building and surrounding area.

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

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

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

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

13. Prior to the construction of the development hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

14. Prior to occupation of the development hereby approved, a crime security measures strategy for crime prevention for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for crime security shall be implemented in full accordance with the approved details prior to first occupation of the residential units hereby approved and retained thereafter.

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.

15. The refuse storage as shown on the plans hereby approved shall be implemented in full prior to the occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

16. Notwithstanding the submitted details, prior to occupation of the development hereby permitted full details for the provision of secure cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

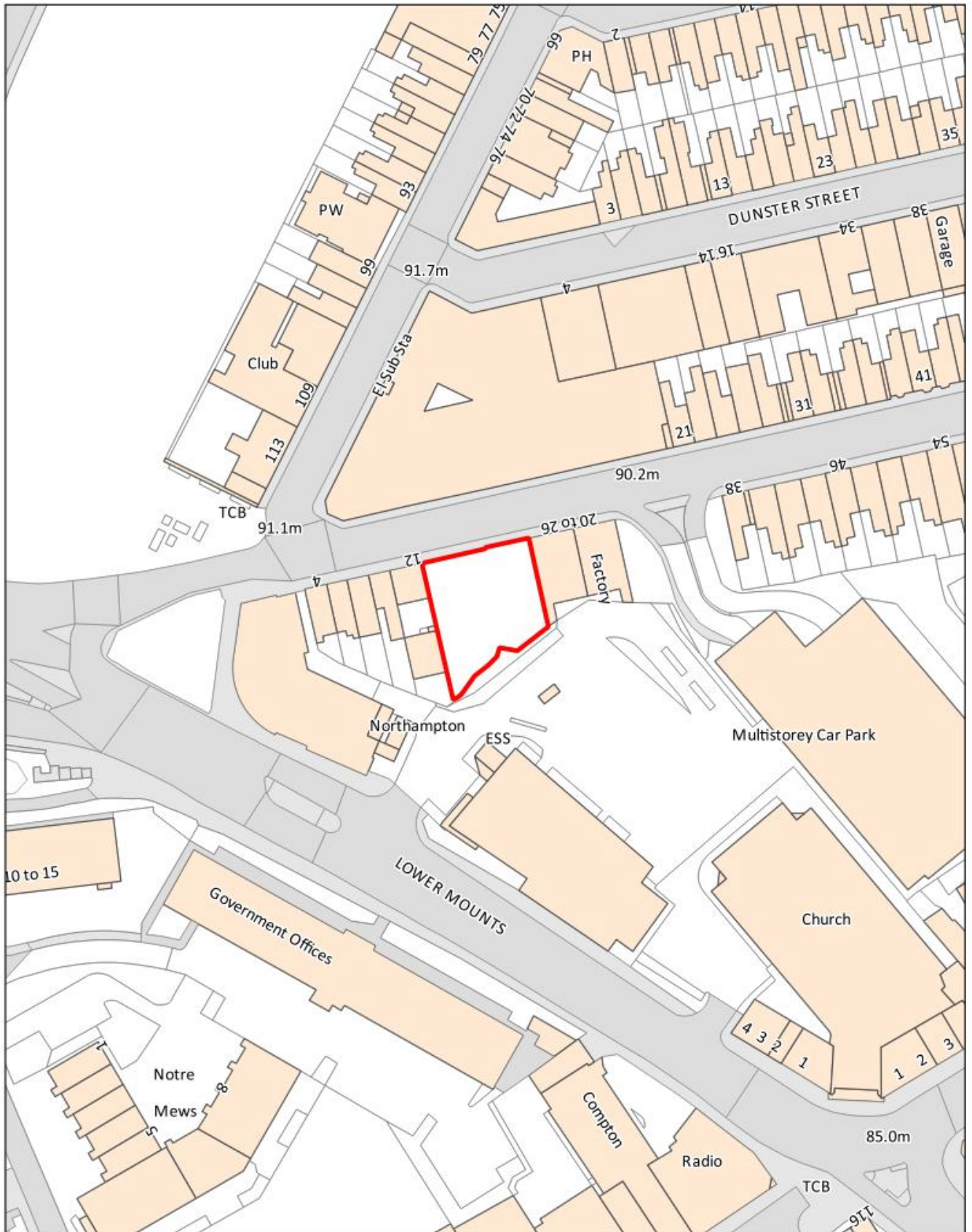
- 11.1 N/2019/1055.

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **14 - 18 St Michaels Road**

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Date: 16-10-2020

Scale: 1:1,000

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