



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 13th June 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1138

LOCATION: St Giles Clinic , 67 St Giles Street

DESCRIPTION: Demolition of the existing single storey building and the construction of a new four storey mixed use building to include 60 residential units and two restaurant and cafe units (Use Class A3)

WARD: Castle Ward

APPLICANT: Mr Corley
AGENT: MBA Ltd

REFERRED BY: Councillor D Stone
REASON: Overdevelopment of the site

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 The completion of a S106 Legal Agreement to secure a financial contribution to fund sustainability improvements within the Central Area comprising of improvements to formal open space within the vicinity of the site or facilities within the town centre.

1.1.2 The conditions as set out below and for the following reason:

The proposed development would bring about the development of an underused site in a prominent location within the town centre and within Derngate Conservation Area. The mix of commercial and residential uses are considered appropriate in the town centre and would contribute toward its vitality and viability. It is considered that it has satisfactorily been demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied and that the re-development of an underused site in a prominent town centre location and contribution toward the Council's 5-year housing supply outweighs this harm. The amended design is, on balance, considered acceptable, and would not lead to any unacceptable adverse impact on the character and appearance of the conservation area or setting of listed buildings within the vicinity of the site, most importantly views of the Grade A listed St Giles Church tower. It is considered that the harm to heritage assets is less than significant and would be outweighed by bringing the site back into use and the provision of housing. The site is in a sustainable location in the town centre with good access to facilities and

public transport and would not lead to any adverse impacts in relation to drainage, highways or amenity. The proposal is therefore considered to be in accordance with the aims and requirements of the National Planning Policy Framework, Policies S2, S3, S7, S9, S10, H1, H2, BN5, BN7, BN9 and INF2 of the West Northamptonshire Joint Core Strategy and Policies 1, 2, 5, 10, 12, 13, 16 and 18 of the Northampton Central Area Action Plan.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policy INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application proposes the demolition of the existing former Health Centre Building and the erection of a new 4-storey building to provide two commercial units at ground floor for restaurant/café use (Use Class A3), with the remainder of the building providing 60 one-bedroom open plan residential units, 9 of which would be situated to the rear of the commercial units on the ground floor, with the remainder occupying the upper three floors.
- 2.2 The application includes the provision of rear terrace gardens for properties on the ground floor, with small external terraces to the front of properties on the 3rd floor, and an external roof terrace accessible to all units.
- 2.3 The proposed residential units would be served by communal entrance/reception area accessed from St Giles Street and by communal internal corridors. A lift would provide access to all floors.
- 2.4 Bin storage is proposed for both commercial and residential units behind a gated access to each side of the building. No on-site parking would be provided.
- 2.5 Materials are proposed as a mix of Portland Stone to the ground floor, buff bricks to the main building with stone parapet detailing, and a zinc mansard roof and aluminium window frames.

3. SITE DESCRIPTION

- 3.1 The application site is located within the Town Centre and comprises a vacant single storey Art Deco style 1930s building, previously used as an NHS clinic which is no longer in use. The building is set back from with St Giles Street with a low boundary wall enclosing the frontage up to the footway. A vehicular access to the side of the building provides a small area of parking to the rear.
- 3.2 The site lies within Derngate Conservation and Article 4 Direction Area and abuts St Giles Conservation Area along its eastern boundary. A number of listed buildings are situated along St Giles Street within the vicinity of the site, but none directly adjoining or opposite the site. When viewed in the wider context of St Giles Street and the surrounding area, the site can be viewed in the context of the Grade II listed Guildhall to the west and St Giles Church, listed Grade A to the east, both prominent buildings within the streetscene.
- 3.3 The frontages along St Giles Street, including the application site, are defined as a Secondary Frontage in the Northampton Central Area Action Plan (CAAP), where planning policy seeks to resist the decline of retail frontage and maintain an active frontage to the street. The surrounding uses comprise of a mix of town centre uses including retail, office and residential uses.

- 3.4 There is a mix of building styles on St Giles Street, including Victorian and Georgian buildings. The majority of buildings are 3-storeys with some 2-storey and single storey exceptions.
- 3.5 To the rear of the site is The Ridings car park, beyond which are the rear of properties fronting onto Abington Street.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

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.

5.2 National Policies

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:

Paragraph 14 at the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 17 advises on the need to secure high quality design and a good standard of amenity for all existing and proposed occupiers and encourages the use of brownfield land.

Paragraphs 18 and 19 encourage the support of sustainable economic growth.

Paragraph 23 promotes the development of competitive town centres and an appropriate mix of uses including retail and residential uses to support the viability and vitality of the town centre.

Paragraph 32 advises that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 47 advises on the requirements to maintain the delivery of a 5 year housing supply to meet objectively assessed housing needs.

Paragraph 49 advises that housing applications should be considered with a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if a 5-year housing supply cannot be demonstrated.

Paragraph 50 seeks to ensure an appropriate mix of housing is planned for and delivered.

Paragraph 56 advises that good design is a key aspect of sustainable development.

Paragraph 131 advises on the need to take account of sustaining and enhancing heritage assets.

Paragraph 132 advises when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 134 advises that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits.

5.3 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 S2: Hierarchy of Centres – identifies Northampton as the regional town centre and advises that the vitality and viability of these centres should be commensurate with their role and function.

Policy S3: Scale and Distribution of Housing Development – provision will be made in Northampton for about 18,870 net additional dwellings.

Policy S7: Provision of Jobs – provision will be made for a minimum net increase of 28,500 jobs in the period 2008-2029.

Policy S9: Distribution of Retail Development – retail floor space should be accommodated firstly within the Primary Shopping Area and then other Town Centre Locations.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations; be located within easy reach of services and facilities and public transport; protect, conserve and enhance the built environment and heritage assets and their settings; minimise pollution from noise.

Policy H1: Housing Density and Mix and Type of Dwellings – housing developments will provide for a mix of house types, sizes and tenures to cater for different accommodation needs having regard to the location and setting of the site; existing character, accessibility to services, facilities and public transport; living conditions for future residents and impact on neighbouring amenity.

Policy H2: Affordable Housing – requires the provision of 35% affordable housing.

Policy BN5: The Historic Environment and Landscape – seeks to development proposals conserve and enhance heritage assets and their settings.

Policy BN7: Flood Risk – seeks to ensure there are no adverse flood risks arising from development.

Policy BN9: Planning for Pollution Control – advises on the need for new development to appropriately mitigate impacts arising from noise and contamination.

Policy INF2: Contributions to Infrastructure Requirements – requires new development to mitigate its impacts, such as through planning obligations.

5.4 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 – requires all new development in the Central Area to demonstrate a high design standard; positively contributing to the character of an area with regard to existing urban grain, scale, massing, materials and architectural style; create uncluttered streets lined by active frontages; make efficient use of land; and preserve and enhance the character, appearance and setting of heritage assets paying suitable regard to the Conservation Area.

Policy 2: Tall Buildings – design rational is required for buildings which are significantly taller than the surrounding built fabric.

Policy 5: Flood Risk and Drainage – development will be expected to implement measures to ensure there is no increase in the flow of surface water or foul sewage to the combined or foul sewer network.

Policy 10: Parking – within the Town Centre Boundary, no additional private car parking for non-residential development will be permitted. Private car parking will be at a maximum of 50% of the standards set out in Appendix E: Parking Standards: Central Area Zones which requires on average 1.5 spaces per dwelling, with 1 cycle space per dwelling.

Policy 12: Definition of Primary Shopping Area – the main focus for shopping activity within the Borough will take place in the Primary Shopping Area as defined by the CAAP proposals map.

Policy 13: Improving the Retail Offer – seeks to maintain a retail frontage of no less than 60% within the Secondary Frontages area as defined by the CAAP proposals map.

Policy 16: Central Area Living – allows for a mix of residential development in the Central Area, advising that within or adjacent to the Town Centre Boundary developments comprising of one or two bedroom apartments will be acceptable.

Policy 18: Abington Street East – the regeneration of the area will provide the opportunity for the continued provision of the library and clinic services either within the regeneration site or elsewhere within the Central Area; contribute to the shopping frontages along St Giles Street.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Shopfront Design Guide (2011)

Planning Obligations Supplementary Planning Documents (2013)

5.6 **Other Material Considerations**

Derngate Conservation Area Appraisal and Management Plan (2006)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Conservation Officer** – Initial comments considered that the proposed uses and active frontage to the ground floor are appropriate to the town centre location. The design is broadly acceptable and reflects the simple elevations and proportions of the Georgian and 1930s

buildings along the street. However, the proposed 4-storey would be overly dominant and represent overdevelopment of the site, and would be harmful to views along the street and to views from the Conservation Area of the nearby tower of St Giles Church.

Following the receipt of amended plans, the Conservation Officer has commented as follows:

The principle of re-development of the site and the overall design is acceptable, as stated in my previous comments. Remain of the opinion that the four storey height of the building, which is generally taller than the predominant three storey height of buildings on St Giles' Street, is excessive. However accept that the set-back of the fourth floor from the front edge of the building has reduced the impact on views along St Giles Street from within Derrnate Conservation Area, and of distant views of the tower of St Giles' Church to the north-east of the site.

- 6.2 **NBC Environmental Health** – no objection, but request conditions in relation to contamination, noise and odour in relation to the proposed Class A3 uses, refuse storage, control of fats and greases. In relation to residential uses, require a condition for a full noise assessment of noise exposure for each habitable room, as the area will be affected by road traffic noise, and existing commercial business noise.
- 6.3 **NBC Housing Strategy** – the proposal comprises studio flats which are all of the same size and layout, which would result in accommodation only suitable for single people or couples. It is considered that the size and layout of the flats would not meet the needs of existing or future households. The long narrow design and presence of only one window in each dwelling will limit the amount of natural light and internal space. A range of sizes and types of dwellings should be provided to reflect the needs of the Borough, where there is a particular need for family homes providing two and three bedroom accommodation.
- 6.4 **NCC Highways** – request a condition for the submission and approval of a Construction and Environmental Management Plan and a minimum clearance of 1.0m between the face of the building, any retaining structure and the highway to ensure foundations and construction or any element does not undermine or encroach on the highway.
- 6.5 **Highways England** – no objection.
- 6.6 **Lead Local Flood Authority** – following the receipt of revised information, no objection subject to a condition to ensure the development is constructed and maintained in accordance with the submitted Drainage Strategy Report Document.
- 6.7 **Anglian Water** – the existing foul drainage has available capacity. The advice of the Lead Local Flood Authority should be sought in relation to surface water drainage.
- 6.8 **NCC Archaeology** – Recommend a building recording condition and a condition to secure an archaeological programme of works.
- 6.9 **Historic England** – Initial comments raised no objection in principle, advising that the existing building is rather innocuous and has a relatively benign impact, the scale and siting of which are generally at odds with the prevailing character on St Giles Street. The proposed development redresses the scale of the architecture and a general improvement to the quality of townscape through reparation and reinforcement of the currently weak frontage. The 4-storey height is generally taller than most other buildings, tending to be three storeys. Some attempt has been made to reduce the visual impact by designing the roof with a curved form and dormer window arrangement. However, the architectural success in terms of mass will be dependent upon the amount of set-back from the parapet and depth of gap between the dormers. Overall form and composition is largely acceptable but success will depend on quality of materials, architectural

detailing and quality of finishes. The application should be determined in accordance with policy and Conservation Officer's advice.

Comments on amended plans:

Pleased to note the revisions to the roof form and dormers of the proposed development which addresses previous concerns.

- 6.10 **Town Centre Manager** – the principle of the site being developed is supported but should enhance and be sympathetic to the area. The size and massing will have a detrimental impact on the character of the Derrigate Conservation Area; overdevelopment; security and safety concerns with regard to the rear elevation and access from The Ridings car park; inadequate bin provision; lack of on-street parking available; potential environmental impact around waste collection and storage.
- 6.11 **The Town Centre Area Advisory Committee** – regret the demolition of one of the few Art Deco buildings in town. If minded to demolish, the building should be recorded. No objection to principle of residential development with an active frontage of small units for retail or café/restaurant use. However, consider the proposal is overdevelopment with consequential impacts on parking, identity of St. Giles Street and services such as sewerage. Also have strong concerns regarding impact on newly laid pavement and road surface on St. Giles Street. Given the number of small flats and bedsits planned for the town, a small number of larger flats or town houses would provide a better balance and diverse accommodation in the town. Object to the design as follows:
- Inappropriate scale and massing;
 - Building is too high – should be a maximum of 3 storeys;
 - Curved mansard 4th floor is inappropriate;
 - Materials do not reflect those in the area;
 - The rear of the building is too dominant from the car park.
- 6.12 **Crime Prevention Officer** – raises queries with regard to bike storage, access, boundary treatments and security.
- 6.13 **Construction Training** – request 52 training weeks and a financial contribution of £6,367.
- 6.14 **NHS England & Nene Clinical Commissioning Group** – no comments received.
- 6.15 **Councillor D Stone** – calls the application in on the grounds of overdevelopment.
- 6.16 **Councillor P Flavell** – raises the following concerns:
- Four storeys is far too high for this building and not suitable for St Giles Street where the other buildings are three storey.
 - The number of flats is too high for an in town application.
 - The roof top garden is a bad idea for a privately owned building as NBC would have no jurisdiction over the behaviour of users of this facility, and it is quite possible the occupants will be students.
 - There are a number of empty retail shops already in the town centre. If retail is necessary, then two units would be sufficient.
- 6.17 9 letters of objection have been received, the contents of which are summarised as follows:
- Size and scale is alien to St Giles Street
 - Object to another café on St Giles Street
 - Too many empty café and retail units on St Giles Street already
 - Loss of light from 4-storey building

- Impact on parking, proposal would overtake the parking required for shoppers and visitors to the town.
- Overdevelopment
- Cycling provision in place of parking is daft.
- Building too tall for the street
- Too many dwellings
- Potential for issues of disorder/anti-social behaviour, litter and damage if units are let to young people/students
- Roof terrace will add to issues as missiles can be thrown from the roof.
- The building proposed for demolition is a heritage asset of considerable local heritage interest and value and remains relatively unaltered.
- The existing building makes a positive contribution to the St. Giles Conservation Area being of a scale and design which strengthens the historic character
- The existing building warrants inclusion on the Local List, is an important part of our social heritage, and should be considered for designation as a National Listed Building
- The existing building had such high levels of radon. What plans are there to combat the radon problems?
- Proposal is out of scale and lacks interest and articulation.

6.18 The application was advertised in the newspaper and by site notice.

7. APPRAISAL

Principle

- 7.1 The NPPF supports sustainable economic growth and promotes an appropriate mix of uses within the town centre including retail and residential uses to support the vitality and viability of the town centre. The NPPF further advises on a presumption in favour of sustainable housing development and the need to maintain a 5 year housing supply. Policy 16 of the CAAP allows for a mix of residential uses in the Central Area, advising that within or adjacent to the Town Centre Boundary developments comprising of one or two bedroom apartments will be acceptable.
- 7.2 The proposed mix of commercial and residential is in accordance with policy aims to provide a mix of uses within the town centre. The proposal to include commercial units at ground floor would continue the existing character of active frontages along St Giles Street making a positive contribution to the streetscene and contributing to the vitality and viability of the town centre.
- 7.3 The proposed development is limited in the mix and type of accommodation providing one bedroom open plan units predominantly of one size floor area with the exception of slightly larger units on the 3rd floor. However, Policy 16 of the CAAP allows for the provision of one bedroom units within the central area, and the development of the site for 60 residential units would contribute towards the Council's 5 year housing supply in a sustainable location in the town centre with good access to surrounding facilities and public transport.
- 7.4 The principle of the uses proposed is therefore considered to be in accordance with policy and acceptable.

Design and Impact on Heritage Assets

- 7.5 The NPPF advises on the need to take account of sustaining and enhancing heritage assets when considering development proposals. Paragraph 134 advises that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits. Policy BN5 of the JCS and Policy 1 of the CAAP reflect these aims seeking to ensure that heritage assets are preserved and enhanced.

- 7.6 The Derngate Conservation Area Appraisal and Management Plan refers to St Giles Clinic as occupying a prominent position opposite Hazelwood Road, but does not oppose the demolition of the existing building and acknowledges the site would benefit from sympathetic redevelopment. Policy 18 of the CAAP includes the site as potential for regeneration.
- 7.7 Whilst the existing building is a good example of a 1930s public building, with plain brick elevations and a more prominent classical-style stone entrance, the building is generally at odds with the scale and alignment of other buildings on St Giles Street, the majority of which front directly onto the footway. The principle of demolition and redevelopment of the site therefore, subject to development proposals preserving or enhancing the character of the conservation area, is considered acceptable. It is noted that the County Archaeologist recommends a building recording condition, however the building is not nationally or locally listed and the Council's Conservation Officer is of the opinion that such a condition is not warranted.
- 7.8 The character of St Giles Street and the conservation area comprises a mix of building styles including Victorian and Georgian styles. Building heights along the street are varied, including single and 2-storey, with the majority of buildings being 3-storeys in height. There are some exceptions to this, with the front parapet of The Ridings Arcade extending above 3-storeys and buildings further along St Giles Street to the east extending to 4-storeys within the roof. The existing clinic is single storey with a 3-storey and 2-storey building either side.
- 7.9 Due to the stepped back nature and height of the existing clinic building, the site currently maintains views along St Giles Street to the east of the tower of the Grade A listed St Giles Church, which is an important feature and gives definition to the character of the conservation area.
- 7.10 The proposed scheme has been designed as a 4-storey building fronting the pavement. The height and position of the original scheme was considered to be more visually prominent in the streetscene than the existing building, with the effect of adversely impacting on views of the listed church tower to the east, to the detriment of the setting of the listed building and character and appearance of the conservation area. The scheme has subsequently been amended to set back the 3rd floor from the St. Giles Street frontage by approximately 2.2m. Whilst the overall height of the building would remain as 4-storeys, it is on balance considered that the set-back would assist in giving the building the appearance of a 3-storey building when viewed from St Giles Street, and would reduce the impact on views along St Giles Street from within Derngate Conservation Area, and of distant views of the tower of St Giles' church to the east to an acceptable degree.
- 7.11 The 4-storey height of the building would be more visually prominent when viewed from The Ridings car park situated to the rear of the site. However, the character of buildings to the rear of the site is more varied in height, and the proposed building has been designed with a zinc barrel vaulted roof and dormers to either side of the rear elevation to provide a more subtle and sympathetic appearance to the adjacent building heights such that the overall appearance from the rear is considered acceptable. Boundary treatments to the rear would be secured by condition to ensure a secure environment.
- 7.12 The proposal includes the provision of a plant room and roof terrace which would be inset from the edge of the roof and not visually prominent from the street scene. A condition is recommended to agree details of the boundary treatment of the roof terrace to ensure any visual impact is minimal.
- 7.13 In respect of materials, the ground floor would comprise of glazed shop fronts and a glazed entrance to the flats with Portland Stone cladding to the base of the building. The upper floors are proposed to be buff brick, with the top floor comprising a barrel vaulted zinc roof with dormers with the intention of reducing the visual mass of the building. Windows frames would be grey aluminium. Notwithstanding the submitted details, a condition is recommended to agree the

precise details of materials to ensure the quality and appearance of the building is sympathetic to the character of the conservation area.

- 7.14 The design of the development as proposed would reflect some of the characteristics and proportions of Georgian buildings in the street, and would introduce an active frontage to the pavement to the enhancement of the character and appearance of the conservation area. On balance, it is considered that the amended plans sufficiently address concerns regarding views within the conservation area and towards the Grade A listed church tower, and that the proposal would lead to less than substantial harm the public benefits of which would bring an underused site in a prominent location within the town centre back into use providing additional housing for the area.

Amenity

- 7.15 Paragraph 17 of the NPPF advises on the need to secure high quality design and a good standard of amenity for all existing and proposed occupiers. These aims are reflected in Policy H1 of the JCS which seeks to ensure new development has regard to the living conditions for future residents.
- 7.16 The proposed residential units have been designed to provide open plan living one bedroom units. Whilst the units are considered to be relatively small at 30m² and 36.1m² respectively, the Council does not have a policy regarding minimum space standards and it is not considered the application could be opposed on this basis.
- 7.17 It is also acknowledged that the units are served by a single window. Whilst this is not ideal, the windows to each individual unit are relatively large and on balance, it is considered that the units would have sufficient light and outlook.
- 7.18 Entrance to the flats would be via a secure entrance from St Giles Street with a lift and stairs providing access to all floors. Refuse storage is proposed behind gated access areas to the side of the building with separate storage for the commercial units. Precise details would be agreed by condition.
- 7.19 External amenity space would be limited due to the proposed footprint of the building extending over the majority of the site. However, rear private amenity areas are proposed for the ground floor residential units, with third floor units to the front of the building having a small terrace area to the front, and all properties would have access to an external roof terrace. In addition, the site is also located within walking distance of Becketts Park.
- 7.20 In respect of the proposed commercial uses at ground floor and the potential impacts on proposed residential amenity, conditions are recommended in respect of noise and odour control, with a further condition recommended to ensure appropriate mitigation against road traffic noise as recommended by Environmental Health.

Highway Impacts

- 7.21 Policy 10 of the CAAP requires no additional private parking provision for commercial development within the town centre. The policy at Appendix E sets out maximum standards for residential parking within the town centre which would equate to a maximum of 45 parking spaces and 1 cycle space per dwelling for the development as proposed.
- 7.22 The development as proposed would provide no on-site parking but provides sufficient space either side of the building to provide secure cycle storage, the details of which could be agreed by condition.

- 7.23 The development is for one bedroom units and whilst 60 residential units has the potential to generate a parking requirement, potential occupiers would be aware of the limitations of parking within the vicinity of the site and the ease of access to alternative, more sustainable methods of transport within the town centre. The site is in a sustainable location within the town centre with a car park to the rear, and good access to local facilities and public transport. Furthermore, the Highway Authority has raised no objection. As such, it is not considered that the proposal would lead to any unacceptable adverse impact on existing highway conditions within area.

Other Matters

- 7.24 The application is supported by a Drainage Strategy which outlines how surface water drainage impacts will be mitigated. The Lead Local Flood Authority has no objection subject to a condition requiring the development to be carried out in accordance with the submitted strategy. Anglian Water has advised there is sufficient capacity in the existing foul sewer and raises no objection.
- 7.25 A condition is recommended with regard to contamination to ensure appropriate mitigation measures as necessary.

Affordable Housing, S106 Developer Contributions, CIL and Viability

- 7.26 National Planning Guidance advises that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. A flexible approach should be taken in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 7.27 Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 7.28 Policy H2 of the JCS sets out a requirement for affordable housing at 35% for developments of 15 or more dwellings. This would equate to a requirement of 21 units within the development being affordable.
- 7.29 The applicant has submitted a Viability Appraisal the conclusions of which advise that the scheme is currently suffering in terms of viability and cannot support a policy compliant scheme.
- 7.30 The Viability Appraisal has been reviewed by an independent consultant on behalf of the Council who has concluded the following:
- The development as proposed would equate to a profit level of 16.57% of Gross Development Value which is below the current market expectations of 19.60% assuming a mixed use scheme with a small retail component. This represents a shortfall of developer's profit from standard industry expectations.
 - The viability issues arise as a result of abnormal costs relating to the demolition of the existing building; predicted sales values are relatively low based on recent sales figures within the area; build costs for apartment schemes are generally higher than traditional housing and the net to gross ratio is only 85% due to the provision of communal areas resulting in only 85% of the built area generating value. In addition the number of units may affect the rate of sales and end values.

- In conclusion, scheme would allow the following:
 - No affordable housing
 - A CIL contribution of £92,950
 - A S106 payment of £20,000

It should be noted that notwithstanding the viability issues and development profit shortfall identified above, the S106 amount of £20,000 has been offered up by the applicant.

- 7.31 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore undeliverable.
- 7.32 It should be noted that a request has been received from Construction Futures for the provision of 52 construction training weeks and a financial contribution of £6,367 to be made in this regard. This contribution is also subject to the viability assessment as outlined above. Given the viability issues outlined above and that the scheme would only generate a S106 developer contribution of £20,000, it is considered that Members may be of the opinion that this contribution could be allocated to a use more appropriate to mitigate the impacts of the development.
- 7.33 Whilst it is acknowledged that the development would generate a need for healthcare, no request for contributions has been received from the relevant healthcare bodies. The Council's Planning Obligations SPD sets out a requirement for the provision of open space for new residential development of 15 dwellings or more which is initially required on-site. In addition, where the Council determines that public realm improvements are required to enhance the quality of public space around the development the Council will seek contributions for the provision or enhancement of public squares and space within the vicinity of the site, is appropriate. In view of the limited provision of on-site amenity space and the proximity of Becket's Park, it is considered that it may be more appropriate to allocate this sum towards the provision of improvements within the park or, in the event that a suitable scheme does not arise, to use the financial contribution towards the funding of sustainable improvements with the Central Area.
- 7.34 The development would be subject to CIL payments as outlined above which are not subject to negotiation.
- 7.35 It is considered that it has satisfactorily been demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied. This consideration needs to be weighed against the benefits of re-developing the site in a prominent town centre location and the contribution towards the Council's 5-year housing supply.

8. CONCLUSION

- 8.1 The proposal would bring about the development of an underused site in a prominent location within the town centre and within Derngate Conservation Area. The mix of commercial and residential uses are considered appropriate within the town centre and would contribute toward the vitality and viability of the town centre. It is considered that it has satisfactorily been demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied and that the re-development of an underused site in a prominent town centre location and contribution toward the Council's 5-year housing supply outweighs this harm. The amended design is, on balance, considered acceptable, and would not lead to any unacceptable adverse impact on the character and appearance of the conservation area or setting of listed buildings within the vicinity of the site, most importantly views of the Grade A listed St Giles Church tower. It is considered that the harm to heritage assets is less than significant and would be outweighed by bringing the site back into use and the provision of

housing. The site is in a sustainable location in the town centre with good access to facilities and public transport and would not lead to any adverse impacts in relation to drainage, highways or amenity. The proposal is considered to be in accordance with policy and therefore recommended for approval in principle subject to the relevant conditions and the completion of a S106.

9. 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. Notwithstanding the submitted plans, details of all proposed external facing materials including window and railing 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 visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

3. Prior to the first occupation of the development hereby permitted, full details of the method of the treatment of the external boundaries of the site together with details of any gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the building 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 Policy S10 of the West Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development hereby permitted, full details for the provision of secure and covered bike storage shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the building hereby permitted and retained thereafter.

Reason: To ensure secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development hereby permitted, details for the provision of storage of refuse and materials for recycling for both the commercial and residential uses and a management strategy for the collection of refuse shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the building hereby permitted and retained thereafter.

Reason: To ensure secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev P1, 100 Rev P1, 300 Rev P1, 310 Rev P3, 312 Rev P3, 313 Rev P3, 311 Rev P3, 110 Rev P1, 111 Rev P1, 112 Rev P1, 113 Rev P3, 114 Rev Ps, 115 Rev P3, 420 Rev P1.

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

7. Notwithstanding the submitted details, prior to occupation of the development hereby permitted a scheme shall be submitted that identifies measures to achieve Secured by Design standards within the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and secure standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

8. No development shall take place until a desk top study, including a site walkover, in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works found to be required shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and 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. This is a pre-commencement condition to ensure timely submission of details.

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

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and 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. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the external sources of noise on the site, for example from air conditioning units or extraction systems, and provisions to be made for its control. The development shall be carried out in accordance with the approved details prior to first occupation and maintained as such thereafter, and the applicant shall demonstrate that the scheme has achieved its design criteria.

Reason: To ensure a satisfactory standard of development and in the interests of surrounding amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11. Prior to occupation of the commercial units hereby permitted the applicant shall provide information set out in Annex B in the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems: The Information Required To Support Planning

Application; paragraph 10 and submit a scheme for approval in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and dispersal of cooking odour and the ongoing maintenance of the odour abatement plant. The development shall be carried out in accordance with the approved scheme and maintained as such thereafter.

Reason: To ensure a satisfactory standard of development and in the interests of surrounding amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

12. Prior to the occupation of the commercial units hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and disposal of fats oils and grease (e.g. by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of the plant.

Reason: To ensure a satisfactory standard of development and in the interests of surrounding amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

13. Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room and/or outdoor amenity spaces due to transportation noise. This must take into account, the likely growth of traffic over the next 15 years.

Where noise levels in any habitable room or amenity space may exceed:

- Indoor habitable areas – $L_{Aeq,16H}$ 35 dB window open, during the daytime period (07:00 – 23:00)
- Bedrooms – $L_{Aeq,8H}$ 30 dB and L_{AMAX} 45 dB (for 2+ events per hour) window open, during the night time period (23:00 – 07:00)
- Outdoor Amenity Spaces – $L_{Aeq,16H}$ 50 dB

A scheme to protect any affected habitable rooms/bedrooms or out outdoor amenity spaces shall be submitted to the Local Planning Authority for written approval. For habitable rooms/bedrooms this will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather.

Noise levels shall be assessed in line with the standards set out in Table 1 of Northampton Borough Council's Planning Practice Guidance for noise sensitive developments affected by noise from transport sources.

Where the assessment identifies that whole or part of the development will fall within the LOAEL or SOAEL category a scheme to protect any affected habitable spaces/bedrooms or outdoor amenity spaces shall be submitted to the Local Planning Authority for approval in writing.

The development shall be carried out in accordance with the approved details prior to occupation and maintained as such thereafter.

Reason: To ensure a satisfactory standard of development and in the interests of residential amenity in accordance with Policies and S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

14. The commercial units hereby permitted shall be open between the hours of 08:00 and 23:00 hours only.

Reason: In the interests of residential amenity in accordance with Policies BN9 and H1 of the West Northamptonshire Joint Core Strategy.

15. Deliveries to the commercial units hereby permitted shall be between the hours of 08:00 and 19:00 hours only.

Reason: In the interests of residential amenity in accordance with Policies BN9 and H1 of the West Northamptonshire Joint Core Strategy.

16. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: to ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

17. Prior to commencement of development, a Construction Traffic Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should include (but not be limited to):

- Details of the proposed construction access to the site.
- Details of routing to /from the site.
- Details of hours of operation and delivery times.
- Details of any wheel washing and measures to prevent the discharge of dust and other materials onto the public highway and the surrounding area.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and surrounding amenity in accordance with the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

18. The development hereby permitted shall be carried out and maintained in perpetuity in accordance with the details of the submitted Drainage Strategy Report Document reference SW Drainage Assessment, Final Revision B dated 28th March 2017 prepared by EWE Associates Limited.

Reason: In the interests of flood prevention and to ensure an appropriate standard of development in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

- 10.1 N/2016/1138.

11. LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 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.

