



**PLANNING COMMITTEE:** 3<sup>rd</sup> July 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1479

**LOCATION:** 71 - 77B Abington Street

**DESCRIPTION:** Refurbishment and extension of existing building (71-77b Abington Street), including additional floors above ground level ranging in height from two to five storeys, 48no residential flats (Use Class C3), car parking, landscaping, associated servicing, bin and cycle storage

**WARD:** Castle Ward

**APPLICANT:** LDI Northampton (Development) Ltd  
**AGENT:** AZ Urban Studio Limited

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment and pressure on services

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

##### **1. RECOMMENDATION**

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

- 1.1 The proposed development would provide residential development in a prominent location within the Central Area and would contribute towards the mix of uses and viability and vitality of the Town Centre. It is considered that it has satisfactorily been demonstrated that the scheme would not be viable if the required affordable housing provision and S106 contributions are applied and that the development of the site 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 setting of the nearby conservation area and listed buildings. 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, visual or residential amenity. The proposal is therefore considered to be in accordance with the aims and requirements of the National Planning Policy Framework, Policies SA, S1, S3, S10, S11, H1, H5, BN5, BN7, BN9 and N2 of the West Northamptonshire Joint Core Strategy and Policies 1, 2, 5, 10, 11, 16, 18 and 36 of the Northampton Central Area Action Plan.

##### **2. THE PROPOSAL**

- 2.1 Full planning permission is sought for the erection of two additional storeys above the existing building comprising Nos. 71-77B Abington Street to create 48 self-contained flats with lift access to all floors, car parking, refuse and cycle storage areas to the rear. The existing retail units at ground floor and the office/storage space above at first floor level would be retained with the additional floors constructed above. The proposal includes a raised area of open private amenity space at second floor level accessed via an enclosed staircase situated to the rear of the building in the car park area, providing an additional means of escape from the building. There would also be two rear wings on supporting vertical pillars projecting into the existing car park from second floor level, the western wing would be 2 storeys high, and the eastern wing 3 storeys. The proposal also includes alterations to the Abington Street façade at first floor level to include rendering with new shop front canopies and new window openings.
- 2.2 The current proposal has been amended from the original submission for 52 flats, reducing the number of units by four, reducing the number of floors on the rear west outrigger, and incorporating additional security measures, while segregating the rear service yard to delineate residential parking, commercial parking and service arrangements to the rear of the shops. Several of the ground floor retail units also benefit from servicing from Abington Street.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises a distinctive 1970s 2-storey red brick building of functional appearance located along the northern side of Abington Street in the heart of Northampton Town Centre. The ground floor consists of a row of retail units some 67 metres in length with ancillary storage and offices above connected to the shop units. Some of the ground floor units are currently vacant. The site has a car park to the rear, owned by the applicant and used by tenants associated with the retail units and rented out privately. The rear car park is bound by two storey offices to the rear on Notre Dame Mews, with taller three and five storey buildings located beyond the car park to the east of the site on Lower Mounts.
- 3.2 In addition to retail and commercial uses, there are some night time uses within the vicinity of the site, one adjoining the site which has recently re-opened as the Wedgewood Public House.

### **4. PLANNING HISTORY**

- 4.1 No recent planning applications.

### **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 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.

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.

Paragraphs 56 and 57 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.

### 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:

- SA - Presumption in Favour of Sustainable Development
- S1 - The Distribution of development
- S3 - Scale and distribution of housing development
- S10 - Sustainable Development Principles
- S11 - Low Carbon and Renewable Energy
- H1 - Housing Density and Mix and Type of dwellings
- H2 - Affordable Housing
- H5 - Managing the existing housing stock
- BN5 - The Historic Environment and Landscape
- BN7 - Flood Risk
- BN9 - Planning for Pollution Control
- INF1 - Approach to Infrastructure Requirements
- INF2 - Contributions to Infrastructure Requirements
- N2 - Northampton Central Area

### 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
- Policy 2 - Tall Buildings
- Policy 5 - Flood Risk and Drainage
- Policy 10 - Parking
- Policy 11 - Town Centre Boundary
- Policy 16 - Central Area Living
- Policy 18 - Abington Street East

## 5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG (2004)  
Northampton Shop Front Design Guide (2011)  
Planning Obligations Supplementary Planning Document (2013)  
Affordable Housing Interim Planning Policy (2013)

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Conservation (NBC)** - no objections on heritage grounds, consider that the impact on the nearby conservation area and setting of listed buildings would be acceptable. The set back of the roof extension would reduce its visual dominance.
- 6.2 **Environmental Health (NBC)** - refuse provision and general layout is considered to be acceptable. The applicant has proposed some mitigation against noise to the residential units from their acoustic report and recommend conditions relating to noise to control noise from adjacent public house and extended extraction equipment.
- 6.3 **Highways (NCC)** - no objection although parking spaces are under the minimum size which is not ideal, however note that this is an existing car park and the number of spaces is not increasing. Recommend condition for Construction Environmental Management Plan.
- 6.4 **Highways England** - no objection.
- 6.5 **Anglian Water** - no objection subject to standard surface and foul water drainage condition.
- 6.6 **Northamptonshire Archaeology (NCC)** - the site lies within an area of probable medieval and civil war defence thought to have run just inside the line of Lower Mounts and York Road. The site is considered to have potential for archaeological remains. Would expect to see some preliminary evaluation work, given the scale of proposals, which can be secured by condition.
- 6.7 **Northamptonshire Crime Design Advisor (NCC)** - no objection Pleased that the applicant has considered the security issues associated with this site seriously and has now submitted measures to reduce the likelihood of crime occurring. Suggests condition to secure security measures regarding the proposed fencing, control of secure access gates, and security of staircase.
- 6.8 **Construction Futures** – request financial contribution of £5,044 towards construction training.
- 6.9 **Environment Agency** - no objection, recommend condition for provision of foul water sewerage.
- 6.10 **Lead Local Flood Authority (NCC)** - no comments to make.
- 6.11 **Development Management Team (NCC)** - no contribution is required towards Primary or Secondary Education. Early Years contributions are under review. Request S106 contributions towards fire hydrants and libraries.
- 6.12 **Town Centre Conservation Area Advisory Committee (TCCAAC)** - commented on original proposal. Concern over impact on local services including parking and traffic. Consider that the proposal represents a missed opportunity and the resulting frontage would be out of scale with surrounding buildings especially those opposite the site. Would have a negative impact on the adjacent public house and listed buildings on St Giles Terrace and St Giles conservation area.
- 6.13 **NHS England** - no objection, impact of development is not significant on healthcare facilities.

- 6.14 **Councillor Danielle Stone** - objects to and calls in the application on the grounds of over-development and pressure on services.

## **7. APPRAISAL**

### **Principle of residential development**

- 7.1 The Central Area Action Plan (CAAP) encourages the repopulation of the town centre of Northampton. The National Planning Policy Framework also has a presumption in favour of sustainable development and the need to maintain a 5 Year Housing Land Supply.
- 7.2 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. The development of the site for 48 residential units would contribute towards the Council's 5 year housing supply in a sustainable location with good access to surrounding facilities and public transport.

### **Impact on shopping character of the town centre**

- 7.3 The ground floor of the site is located within a Primary Retail Frontage as defined in the CAAP, where retail uses should ideally be retained. The proposal includes the retention of all of the existing ground floor commercial units and their first floor storage/ office space above with the exception of one unit (73b) which would provide an entrance lobby into the proposed flats. This property is currently vacant and was last used as a "sui generis" use (pay day loan shop) and, therefore, would not lead to loss of a retail unit. Weighing up the wider benefits of the proposal in terms of the creation of a sustainable form of development and the provision of additional new housing, then the minor loss of a commercial unit would be acceptable. In addition, the use of the upper floors for residential purposes would contribute towards the vitality and viability of the town centre.

### **Design, Impact on appearance and character of area and nearby heritage assets**

- 7.4 Policy 1 of the CAAP seeks to promote high quality design in new development and to preserve and enhance the central area's heritage assets. These aims are also reflected in Policies S10 and BN5 of the Joint Core Strategy and in the NPPF.
- 7.5 Abington Street, in general, is characterised by a wide range in building designs and material palettes. In terms of the application site, the appearance of the existing building does little to contribute to the appearance of the area with a number of vacant retail units and dated red brick addition above which is of limited architectural merit and rundown appearance. The rear of the site comprises access to the service areas for the existing shop units and car parking and is of no visual merit.
- 7.6 The design has evolved following pre-application discussions with the applicant. The principal elevation fronting onto Abington Street proposes two additional storeys with a set-back in order to introduce a degree of visual subordination which would also assist in reducing the impact of the overall increase in height in comparison with adjacent buildings. The introduction of front balconies would add some interest to the building and, in general, the fenestration is considered an improvement to the existing façade. In terms of materials, the proposed extensions would comprise a mix of red/orange brickwork, white render and dark grey cladding, the specific details of which would be agreed by condition. The proposal also includes alterations and improvements to the ground floor shop canopies and the application of render and additional fenestration to the first floor over the ground floor shops. The proposed modern design of shop front canopies is considered in keeping with the host building and, subject to a satisfactory finish, the front render would improve the appearance of the host buildings.

- 7.7 At the rear, two large wings projecting into the rear car park supported on vertical columns are proposed. While it is noted that the proposed two projections would cover a significant proportion of the site, there would still be sufficient space retained so as not to create over-development.
- 7.8 The extended extraction flue belonging to the ground floor restaurant would have minimal visual impact being set back from Abington Street and only rising a metre above the roof height.
- 7.9 St. Giles Conservation Area is situated to the south of the site extending along St. Giles Terrace and includes a group of Grade II listed terraces. Within Abington Street, and in close proximity to the application site, are situated Northampton Library and the Quakers Meeting House, both Grade II listed. Whilst the front façade of the application site is visible from St. Giles Terrace and within the Conservation Area, the proposed set-back of the upper floors would reduce the visual dominance of the development, such that it is not considered the proposal would lead to any undue impact on the setting of nearby heritage assets. The Conservation Officer raises no objections in this regard.

### **Residential amenity of future occupiers**

- 7.10 National Planning Policy advises on the need for securing high standards of residential amenity which is also reflected in Policy H1 of the Joint Core Strategy. The proposed flats are all over 40 square metres in floor area which in the absence of adopted local minimum floor standards, is considered reasonable to provide satisfactory levels of amenity. All habitable rooms would be served by window openings giving sufficient light and outlook.
- 7.11 The proposed refuse storage area would be of sufficient size and capacity and within a short distance of the rear elevation allowing easy access to all flats via the rear of the building. There would also be an elevated rear amenity space providing occupants with an external garden space. The applicant has submitted a Noise Assessment with their application proposing mitigation measures to control the potential impacts of noise arising from the adjacent public house including sound insulation glazing and appropriate ventilation measures, and acoustic lining proposed on the facades closest to the public house to reduce any noise transfer. The Council's Environmental Health Officers agree that, subject to appropriate planning conditions, this is acceptable. The extraction relating to the ground floor restaurant is to be extended also which is addressed by planning condition.

### **Impact on amenity of neighbouring properties**

- 7.12 Policy H1 of the Joint Core Strategy and Paragraph 17 of the NPPF relate to protecting the amenity of nearby occupiers. The closest residential properties in direct line with the eastern wing of development are approximately 38 metres away to the east at Compton House, which is occupied as student accommodation. Due to the separation distance, overlooking between windows would be reasonably limited. To the rear of the site is a block of two storey offices at Notre Dame Mews which is around 18 metres from the rear elevation of the eastern rear projection at its closest point, again a reasonable separation. The adjacent unit fronting Abington Street is a public house. The other adjacent unit on Abington Street is a nail bar at ground floor level with storage space above and a café further along at ground floor level.
- 7.13 There are residential properties to the northwest at Albert Place, however due to the separation of approximately 39 metres at the closest point, the impact on neighbouring amenity would be reasonably limited in terms of overlooking, loss of light, overbearing and outlook. Due to the separation of 18 metres between the side walls of proposed two rear wings it is considered that the impact would be acceptable in terms of direct overlooking, loss of light, outlook and overbearing between proposed occupiers.
- 7.14 Planning permission was granted in 2017 for conversion of a building to 21 student flats on Albert Place which is 27 metres away at closest from the proposed west projection, however this separation is considered reasonable in terms of residential amenity. Given front separation, the effect on the properties opposite the site on Abington Street would be limited which are generally

of a commercial nature. The applicant has also provided a Daylight/ Sunlight Assessment with their application to demonstrate that there would not be a significant impact on surrounding properties.

### **Parking and Highways**

- 7.15 The existing rear car park is owned by the applicant and used by tenants of the commercial premises and members of the public on a permit basis and can accommodate 50 cars. Policy 10 of the CAAP sets out maximum standards for residential parking within the town centre which would equate to an average of 1.5 spaces per residential unit requiring 72 car parking spaces and 1 cycle space per dwelling for the development as proposed. Northamptonshire County Council Highway Authority in September 2016 revised their Parking standards to include minimum standards based on the number of bedrooms. In this instance, the proposal includes a total of 40 parking spaces to the rear of the site accessed off Albert Place and an adjacent service zone to allow turning space for delivery vehicles and servicing. Cycle storage will be provided at a rate of one space per apartment in accordance with CAAP standards which can be secured by condition.
- 7.16 In terms of the rear service yard, this would be located at the western end of the site separate from the main car parking area. To avoid conflict between the users of residential car parking and commercial vehicles, this has been re-configured and is considered acceptable to the Local Highway Authority. Servicing for the retail units will occur also from the front from Abington Street.
- 7.17 The applicant's Transport Assessment concludes that the proposed development is considered sustainable given the proximity to bus and rail services and facilities and services within the town centre shops.
- 7.18 The Local Highway Authority are satisfied with the proposed level of parking and raise no objections subject to a condition securing a Construction Environmental Management Plan. Highways England raise no objections.

### **Security and Crime Prevention**

- 7.19 Revised plans have been submitted to address the concerns of the Crime Prevention Design Advisor. The proposal includes secure cycle and refuse storage, measures to improve security, secure boundary line with fencing and CCTV/ lighting. There are also two proposed pedestrian access points at either side of the service yard to be controlled by fob access and a sliding vehicular access gate controlled by keypad or fob access. In addition, the rear amenity space would be accessible only to the car park via a means of the rear enclosed staircase. The provision of security measures would be controlled by planning condition. This accords with Policy S10 of the West Northamptonshire Joint Core Strategy, the County Supplementary Planning Guidance "Planning out Crime" and Paragraph 58 of the NPPF.

### **Drainage and Flood Risk**

- 7.20 The applicant advises that the development will use the existing drainage system. The Lead Local Flood Authority and the Environment Agency raise no objections. Anglian Water suggest standard conditions relating to surface and foul water drainage. Drainage would also be controlled under Part H of the Building Regulations. This accords with Policy 5 of the CAAP and Policy BN7 of the Joint Core Strategy.

### **S106 Contributions, Affordable Housing, Community Infrastructure Levy and Viability**

- 7.21 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. 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.

- 7.22 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 17 units within the development being affordable. 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. The Viability Appraisal has been reviewed by an independent consultant on behalf of the Council who has concluded that the development as proposed would equate to a profit level of 11.59% of Gross Development Value which is below the current market expectations of 18-20%. On this basis, it is considered the scheme would allow no requirement for affordable housing or other S106 contributions but would be required to provide Community Infrastructure Levy payments.
- 7.23 Based on this assessment, it is considered not reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore undeliverable. Whilst it is acknowledged that development of this scale often 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 view of the provision of on-site amenity space and the proximity of Becket's Park and the outcome of the Viability Assessment then it is considered that no contribution can be required in this instance.
- 7.24 It is also noted that the County Council have requested financial contributions towards the provision of library service and fire hydrants, the latter of which would be addressed through Building Regulations. In terms of libraries, it is considered that there is insufficient justification in policy terms.
- 7.25 Notwithstanding the above, discussions are ongoing with applicant and the Council's Town Centre Manager in terms of the possibility of providing a S106 contribution towards town centre improvements. It should be noted that a request has been received from Construction Futures for the provision of 68 construction training weeks and a financial contribution of £5,044 to be made in this regard. An update will be reported to the Committee on the addendum to this agenda on these two matters.
- 7.26 The development would be subject to CIL payments which are not subject to negotiation.
- 7.27 It is considered that it has satisfactorily been demonstrated that the scheme would not be viable if any affordable housing 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.

#### **Other issues**

- 7.28 The site has the potential to contain archaeological remains. NCC Archaeology comment that a condition should be secured requiring a programme of archaeological works.

### **8. CONCLUSION**

- 8.1 The residential development of the site is considered acceptable and would contribute to the Council's 5 Year Land Supply and assist in re-populating the town centre. The design and appearance is acceptable and the proposal would not lead to any undue impacts on nearby heritage assets or highway safety, and would be designed to improve security and crime prevention.

### **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. The development hereby permitted shall be carried out in accordance with the following approved plans: 15005 (08) 001A, 002A, 003A, 004A, 005A, 006A, 100C, 101B, 102D, 103F, 104F, 105F, 106C, 110D, 111, 115B, 116, 1181, 120B, 500/I.

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

3. Details of all proposed external facing materials including the fenestration and front rendering shall first 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 1 of the Central Area Action Plan and S10 of the West Northamptonshire Joint Core Strategy.

4. Prior to commencement of development, a Construction Environmental 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 residential amenity to accord with the aims and objectives of the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

5. Prior to first occupation, full details of security measures to include details of external lighting, access to the approved units and parking and servicing area shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units and retained thereafter.

Reason: In the interests of crime prevention to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. 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 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

7. A detailed scheme of landscaping for the site shall first be submitted to the Local Planning Authority for approval in writing. The scheme shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

9. Prior to the occupation of development and notwithstanding the submitted details, full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the residential development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy 1 of the Central Area Action Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the submitted details, further details of the appearance of the bin storage facilities as shown on drawing number 15005 (08) 102D shall be provided prior to the occupation of the development hereby permitted. The bin storage shall be provided in accordance with the approved details prior to occupation of the development and retained as such thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan and H1 of the West Northamptonshire Joint Core Strategy.

11. No development shall take place 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 to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

12 No development shall commence until a foul water strategy and surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No residential units shall be occupied and no hard standing constructed until the strategies have been agreed and the development carried out in accordance with these details.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy 5 of the Central Area Action Plan and Policy BN7 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

13. The car parking spaces as shown on drawing no. (08)102 Rev D shall be laid out in accordance with the approved details prior to occupation of the residential development hereby permitted and shall be retained as such thereafter.

Reason: To ensure that adequate parking facilities are maintained in accordance with Policy 10 of the Central Area Action Plan and aims of the National Planning Policy Framework.

14. Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of habitable rooms towards the rear of the property from any external plant from the existing retail units. Noise levels shall be assessed in line with the standards set out in Northampton Borough Council's Planning Practice Guidance for noise sensitive developments. Where noise levels in any habitable room may exceed:

- Indoor habitable areas – LAeq,16H 35 dB window open, during the daytime period (07:00 – 23:00)
- Bedrooms – LAeq,8H 30 dB and LAMAX 45 dB (for 2+ events per hour) window open, during the night time period (23:00 – 07:00)

Or 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 rooms/bedrooms 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. The approved scheme shall be implemented prior to the properties being occupied and retained thereafter.

Reason: In order to safeguard the amenities of future occupiers in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as it is essential that these details are agreed before construction can commence.

15. No development shall start on site until details have been submitted to and approved in writing by the Local Planning Authority addressing the proposed kitchen ventilation/extraction system for the existing ground floor restaurant that will be used on the site, including the required maintenance regime for the system. The details shall be prepared by a competent person for the purpose of assessing potential noise nuisance to surrounding dwellings. The details should be drawn up with regard to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” produced by Department of Environment Food and Rural Affairs. The agreed details shall be fully implemented before the occupation of the development hereby approved and the equipment shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that the future residents are not detrimentally affected by the use of the site in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

16. The development hereby approved shall be implemented in fully accordance with the mitigation measures contained within the applicant's Environmental Noise and Impact Assessment produced by XC02 dated October 2017.

Reason: In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

10.1 N/2017/1479.

## **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.

