



**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1409

**LOCATION:** Sofa King Tivoli House  
Towcester Road

**DESCRIPTION:** Demolition of existing building and construction of 40no residential dwellings (Use Class C3) with Retail Unit at ground floor level

**WARD:** Delapre & Briar Ward

**APPLICANT:** Roses Drapery Stores Ltd  
**AGENT:** Aitchison Raffety

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Major application requiring a Section 106

**DEPARTURE:** No

---

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

#### **1 RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE** subject to the finalisation of a S106 Legal Agreement to secure:

- i) A payment towards the provision and/or enhancement and/or maintenance of off-site open space;
- ii) The provision of construction worker training opportunities and a financial contribution in respect of the administration of that scheme; and
- iii) The Council's monitoring fee, subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity, wildlife, flood risk and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.3 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 Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2 THE PROPOSAL**

- 2.1 The application is a full planning application which follows a previous full planning approval, N/2017/0127, granted in January 2018 and a subsequent 'approved in principle' Section 73 variation of condition application, N/2019/1063. The scheme now under consideration is for the same development as that approved in principle under reference N/2019/1063. The only difference is that the new application is a full planning application and has been submitted due to the expiry of the original 2017 application consent.
- 2.2 The application is for the demolition of the existing building and the construction of 40 residential units with a retail unit at ground floor level.

## **3 SITE DESCRIPTION**

- 3.1 The application site is located on the periphery of the allocated Far Cotton local centre. St Leonards Road is to the east of the application site, which joins Towcester Road at a roundabout to the south of the application site. Towcester Road is therefore directly adjacent to the western boundary of the site.
- 3.2 The application site contains a building, which was originally constructed as a cinema, but over recent times has been subject to a number of alterations, and has been used as a retail unit. The building is currently vacant.
- 3.3 The surrounding land uses within the immediate vicinity are a variety of commercial and leisure uses, although residential accommodation is prevalent within the wider area. The general trend is that buildings are generally of two storeys in height and constructed in more traditional styles of architecture. Notwithstanding this, the surrounding area has seen more recent developments of larger buildings that have included the erection of flats. This includes a block of flats on the opposite (western) side of Towcester Road.
- 3.4 In addition, the application site is relatively level in nature and is also located within an identified flood zone.

## **4 PLANNING HISTORY**

- 4.1 N/2017/0127 - Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m<sup>2</sup> of retail space (Use Class A1) – Approved 12/01/2018.
- 4.2 N/2019/0703 - Variation of S106 agreement following the grant of planning permission N/2017/0127 for the development of 40 no. dwellings with retail. This was to remove the need for affordable housing provision within this development. Approved in Principle by Committee 24/09/2019.
- 4.3 N/2019/1063 - Application for Variation of Conditions 2, 8, and 13 of planning permission N/2017/0127 (Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m<sup>2</sup> of retail space (Use Class A1)) to alter the design of the approved building, to amend the flood risk assessment and to reduce the level of parking by 1 space – Approved in Principle 27<sup>th</sup> October 2020 subject to legal agreement.

## **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 Local Plan (1997) saved policies.

### **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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

### **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 S1 - The Distribution of Development

Policy S2 – Hierarchy of Centres

Policy S10 - Sustainable Development Principles

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

Policy INF2 – Contributions to infrastructure requirements

### **5.4 Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

### **5.5 Supplementary Planning Documents**

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

## **6 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

### **6.1 NCC Highways – No comment to make on application.**

### **6.2 NCC Ecology – No objection subject to condition requiring updated ecological surveys in the event development does not commence within or is suspended for more than 12 months.**

- 6.3 **NCC Archaeology** – No objection subject to condition for an archaeological programme of works.
- 6.4 **NBC Public Protection** – No objection subject to conditions on noise, CEMP (including details on controlling dust and working hours), retail opening hours, retail delivery times, waste strategy, air quality, EV charging, contamination, and lighting, and an informative on boilers.
- 6.5 **Northamptonshire Police** – No objection to the application.
- 6.6 **Environment Agency** – No objection subject to condition that the development shall be undertaken in accordance with the submitted FRA.
- 6.7 **Local Lead Flood Authority** – No objection subject to conditions on surface water drainage.
- 6.8 **Anglian Water** – FRA is unacceptable as it needs information on surface water drainage strategy for the development. Request a condition requiring this if permission is granted. Request informatives advising of asset ownership and on the used water network. (*Officer Comment: Additional surface water drainage information was received after these comments*).
- 6.9 **Town Centre Conservation Area Advisory Committee** – Object – existing building a loved and important part of the local history. Replacement is bland and unimaginative design. Increase in residents would put pressure on traffic and local services. Sewers would not be able to cope. Flooding concerns. If approved request condition architectural and archaeological assessment of the building and grounds prior to demolition and archaeological exploration before rebuilding.
- 6.10 **NCC Planning** – request contribution towards education and libraries, a condition on fire hydrants, and an informative on broadband.
- 6.11 **Fusion 21** – Contribution towards apprentice training requested.
- 6.12 **Councillor Graham Walker** objects to the application on the following grounds:
- Flooding – Victorian sewers in the area. Need new sewer system before any more building in area.
  - Parking problems in area, 40 spaces is not enough.
- 6.13 **Councillor Emma Roberts** calls the application to Committee and raises the following concerns in summary:
- Real concerns about preservation of building underneath yellow cladding and what checks have been done and attempts to preserve anything.
  - Building has promised housing, but not been forthcoming and now have extended time period for development to take place being requested.
  - Previous concerns of residents ignored. Insufficient parking attached to building. Has consideration been given to underground parking in an area subject to flooding? If cars and properties cannot be insured, more problems for current and future occupants.
  - Developer seeks more time to develop, but question whether owner intends to sell on?
  - Land has not been well looked after in current state, subject to fly tipping and overgrown.
  - Owner/developer offers nothing back to community.
  - Conditions to ensure safety and cleanliness are a must.
- 6.14 2 neighbour letters have been received, 1 raising an objection and the other raising comments, both of which are summarised as follows:
- Loss of light to flats in St Leonards Road;
  - Height will dwarf all surrounding properties;
  - Lack of parking spaces for flats – there is an existing parking issue in the area and insufficient parking will increase the strain on the current parking issues;

- Impact of increased vehicles on traffic on St Leonards Road during rush hour;
- Bins should be in an enclosed building and not placed on street;
- Noise impact during construction;
- Developer should be aware of the asbestos in the roof;
- Double glazing would be advisable for residents due to traffic noise;
- Great idea to build on brown field sites.

## **7 APPRAISAL**

- 7.1 This application follows previous approval N/2017/0127 which granted planning permission for 40 flats and 1 retail unit, and application N/2019/1063 which was approved in principle on the 27<sup>th</sup> October 2020 for a variation to application N/2017/0127 to amend the design of the scheme. With application N/2019/1063 being a variation of condition application, the time limit for the application was for development to commence within three years of the decision notice for application N/2017/0127, the original approval. This expired on the 12<sup>th</sup> January 2021 and development had not commenced on site. With the expiry of N/2017/0127, the developers can no longer continue with application N/2019/1063 to vary the original consent which has subsequently lapsed.
- 7.2 The new application, the subject of this report, is for the same development and an exact replica of the scheme approved in principle by Planning Committee on the 27<sup>th</sup> October 2020, however the type of application is now a full planning application for the reasons outlined above. Given that application N/2019/1063 was only 'approved in principle' on the 27<sup>th</sup> October 2020, a short time ago, this approval and the original consent are considered to be a material consideration of some considerable weight in respect of this current application to develop the site.

### **Principle of development**

- 7.3 Application N/2017/0127 granted planning permission for the erection of 40 flats and 1 retail unit. As such the principle of the development has been established. In any case, the application site is in a 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. The provision of a retail unit at ground floor level is similarly appropriate for this location.
- 7.4 It is also the case that the Council cannot presently demonstrate a five year 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 housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

### **Design**

- 7.5 The application proposes a five storey building matching exactly in appearance the scheme 'approved in principle' by Committee Members under application N/2019/1063 on the 27<sup>th</sup> October 2020.
- 7.6 The proposed building incorporates a number of gable end projections along the elevations of the site to assist in breaking up the bulk of the building and to provide interest to the street scene. This includes a set of three gables on the corner of the site facing a roundabout, which assist in providing an attractive corner to the development from this highly visible point. This draws on characteristics seen on an existing block of flats located opposite the site over Towcester Road.
- 7.7 With the design matching that recently 'approved in principle' and with the design providing an attractive development which would contribute to the character and appearance of the street scene, and redeveloping a long vacant unit, it is considered that the proposal would be acceptable in design terms.

## **Amenity**

- 7.8 As discussed the proposal matches that granted 'approval in principle' under application N/2019/1063 on the 27th October 2020, and consequently the impact upon neighbouring amenity would be the same as that accepted under that particular application.
- 7.9 It remains considered that the proposal would not have an unacceptable impact upon neighbouring amenity, with the site being separated from neighbouring residential properties, which ensures that the site would not result in unacceptable loss of light, privacy or appear unacceptably overbearing to neighbouring properties.
- 7.10 With regards to the living conditions for future occupants, the proposal provides 14 x 1 bedroom flats, and 26 x 2 bedroom flats of a matching size to that 'approved in principle' under application N/2019/1063.
- 7.11 Under the Nationally Described Space Standards a 1 bedroom flat should have a size of between 39m<sup>2</sup> (1 occupant) and 50m<sup>2</sup> (2 occupants), and a 2 bedroom flat a size of between 61m<sup>2</sup> (3 occupants) and 70m<sup>2</sup> (4 occupants). The figures vary depending on the number of occupants within the house, such that double bedrooms are calculated as being occupied by 2 people, and single bedrooms by 1. For example, a flat with two double bedrooms is presumed to have a capacity for 4 occupants and the size required is then for 4 occupants. However, it is noted that generally it is unusual to have 2 double bedrooms within 1 flat occupied by 2 people each and the Council cannot know by how many people the flats would be occupied. A flat could be occupied by the lowest presumed number of occupants.
- 7.12 All of the bedrooms within this development are double bedrooms. All of the 1 bedroom flats proposed fall above the minimum size limit for a 1 bedroom flat should it be occupied by 1 person. 24 of the 26x 2 bedroom flats fall above the size limit required for a two bedroom flat should the occupancy level be 3 persons as opposed to 4. The 2 units that fall below the standards are 2.61m<sup>2</sup> below the required size.
- 7.13 It is the case that this application is matching in flat sizes to that granted 'approval in principle' under application N/2019/1063. It is the case that the Council has only more recently been requiring development to meet the minimum space standards as required by Policy 4 within the emerging Local Plan Part 2 following submission to the Secretary of State for examination due to the policy being considered to have gained some weight. Whilst application N/2019/1063 and its associated application N/2017/0127 have now expired and cannot be implemented on site, these remain a material consideration in the assessment of this development.
- 7.14 Furthermore, it is also the case that the Council cannot presently demonstrate a five year 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 housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.
- 7.15 With the minimum space standards not being required when a matching scheme was approved in principle in 2020, with planning permission having already been granted for 40 units, and with the need for more housing within Northampton to meet the 5 year housing land supply, it is considered that in this case the minor shortfall in flat sizes can be justified.
- 7.16 Therefore, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.

## **Parking and highway safety**

- 7.17 Application N/2019/1063 provided car parking at ground floor level, with 39 parking spaces and cycle storage facilities. The current proposal matches this previous scheme. It is the case that the

site is within an allocated centre and is in close proximity to the town centre as well as public open space. There is a reasonable probability that residents within the development may not necessarily need access to a private car.

- 7.18 With 39 parking spaces having been previously considered acceptable for a development matching that now proposed on this site, and with the site being within a sustainable location, it is considered that the level of car parking provided on the site is acceptable. Northamptonshire County Council have raised no objection to this proposal.
- 7.19 The proposal identifies that the parking spaces will be allocated to apartments as needed, and as such the requirement for EV charging is the provision of 1 electric vehicle charging point per 10 spaces of unallocated parking. This would equate to 4 spaces. Under application N/2019/1063, 4 EV charging spaces were secured through condition. It is the case that within the current application, the developers have agreed to the provision of 20 EV charging points, an increase of 16 spaces above that previously secured. This is considered an improvement to the previously approved scheme on this site.

### **Flood risk**

- 7.20 The Environment Agency and Lead Local Flood Authority have been consulted on the flood risk of the amended development. No objections have been received subject to conditions, which are considered reasonable to attach.

### **Planning Obligations**

- 7.21 Application N/2017/0127 was granted with a S106 Agreement which secured contributions towards affordable housing, open space, and construction training. Under application N/2019/0703, Planning Committee approved on the 24<sup>th</sup> September 2019 the variation of this S106 to remove affordable housing, with a 0% provision agreed. The signing of the amended S106 to remove affordable housing has been put on hold pending the outcome of this application. Application N/2019/1063 was 'approved in principle' subject to the requirement for a S106 agreement matching the requirements of N/2017/0127 as amended by application N/2019/0703.
- 7.22 NCC Planning request a contribution towards secondary school education. It is the case that this is covered by CIL and as such the Council cannot request S106 contributions towards this. NCC Planning further request a contribution towards libraries. Northampton Borough Council Planning Department has no policy basis to require contributions towards libraries and as such this cannot be required.
- 7.23 Construction Futures request a contribution towards apprentice training. This is considered reasonable to request.
- 7.24 In line with application N/2017/0127, it is considered that a contribution towards open space and construction training should be required through a S106 agreement.
- 7.25 Due to the recent 'approval in principle' of application N/2019/0703, which provided evidence to justify the non-provision of affordable housing on this site, and remains a material planning consideration in the assessment of this application, it is not considered that affordable housing can be required on this development.

## **8 CONCLUSION**

- 8.1 To conclude, it is considered that, subject to conditions and the developer entering into a Section 106 Legal Agreement, the proposal represents an effective land use and would have a neutral impact upon visual and neighbour amenity, the highway system and flood risk, whilst contributing to the supply of new housing within the Borough and the redevelopment of a vacant site. As a consequence, the development is in conformity with the requirements of national and local planning policies.

## 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: 40442/001M, 40442/002L, 40442/003L, 40442/004L, 40442/005L, 40442/006L, 40442/009G, 40442/011.

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

3. Prior to the construction of the development above ground floor slab level full details of all proposed external facing materials 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 E20 of the Northampton Local Plan.

4. Prior to the commencement of construction works on site, 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 E20 of the Northampton Local Plan. This condition is required to agree such details in a timely manner.

5. Prior to 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 E20 of the Northampton Local Plan.

6. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:
  - (i) identification of all previous uses and contaminants associated with those uses;
  - (ii) a survey of the extent, scale and nature of contamination;
  - (iii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings
    - adjoining land,
    - groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iv) an appraisal of remedial options, and proposal of the preferred option(s).



This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. Prior to the commencement of the development hereby permitted, 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 and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to approval in writing by the Local Planning Authority.

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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

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 6 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7 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 approval in writing by 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. The car parking as shown on drawing 40442/001M shall be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

11. Notwithstanding the details submitted, full details of secure cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential units hereby permitted. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

12. Prior to first occupation of the development hereby approved, a waste management plan providing full details on the storage and collection of waste for both the residential and retail units (including full details of secure bin storage, a workable and reasonable route for occupiers to carry their waste to the bin store, a management plan for collection of refuse from the bin store and arrangements for moving the bins in and out before and after collection and a management plan for cleaning and maintaining the bin store) associated with the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan and secure bin store shall be fully implemented as agreed within these details prior to the first occupation of any part of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a sustainable form of development, in accordance with the requirements of the National Planning Policy Framework and Policy H1 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the details submitted, full details of CCTV shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

14. 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 by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
- i) Fieldwork in accordance with the agreed written scheme of investigation;
  - ii) Post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority);
  - iii) Completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with the National Planning Policy Framework. This condition is required to ensure the agreement of such details in a timely manner.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Farrow Walsh Consulting Ltd reference FW1914\_FRA\_001 v3 dated 28 February 2020 and the following mitigation measures:
- Retail unit will have a minimum finished floor level of 59.30m AOD and flood resilient/resistant construction.
  - No residential dwellings to be located on the ground floor as shown on drawing 40442/001M.
  - The ground floor to be flood proofed to a minimum 1000mm above finished floor levels.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures details above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of the National Planning Policy Framework.

16. Prior to any above ground works on site, full details of a surface water drainage scheme for the site, based on Technical note relating to Drainage Strategy for Planning Ref: 2020/1409 dated 1st February 2021, FW1914\_TN\_001, prepared by Farrow Walsh Consulting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:
- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures;
  - b) Details of the drainage system are to be accompanied by full and appropriately cross-reference supporting calculations;
  - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required to agree such details in a timely manner.

17. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. These details shall include details of which organisation or body will be the main maintaining body with evidence that the organisation/body has agreed to such adoption, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used, a site plan including access points, maintenance access easements and outfalls, identification of maintenance operational areas to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site, and details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework. This condition is required to agree such details in a timely manner.

18. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved drainage strategy has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required/necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) CCTV Confirmation that the surface water drainage system is free from defects, damage and foreign objects
  - f) Confirmation of adoption or maintenance agreement for all surface water drainage elements

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

19. Prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
- The control of noise and dust during the development process;
  - Traffic management and signage during construction;

- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

20. The retail development hereby approved shall only be open to customers between the hours of 7am and 11pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

21. Deliveries to the retail unit shall only be made between the hours of 7am and 9pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy.

22. The development hereby permitted shall be carried out in accordance with the recommendations (Section 5) of the submitted ecology assessment (reference 16-2504, Version 2 and dated December 2016).

Reason: In the interests of securing a satisfactory form of development in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

23. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, further ecological surveys shall be commissioned to:

- i) establish if there have been any changes in the presence and/or abundance of bats and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the re-commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of securing a satisfactory form of development in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

24. Notwithstanding the details submitted, a strategy for the removal and disposal of the on-site Cotoneaster Horizontalis shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory form of development in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

25. Notwithstanding the details submitted, full details of the foundation design, which shall not encroach onto or under the highway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be

fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

26. Notwithstanding the details submitted, full details of the windows, which shall not open over the highway boundary shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

27. Full details of a minimum of 20 electric vehicle charging points for the units hereby approved shall be first 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 development being first brought into use.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

28. Prior to the commencement of development, a full noise survey and assessment with mitigation measures for road traffic noise, undertaken by a competent noise consultant, must be submitted to and approved in writing by the Local Planning Authority. Any mitigation must ensure that the internal noise climate for each habitable room is in compliance with BS8233:2014. The approved mitigation measures shall be provided in full on site prior to first occupation of the development 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.

29. Prior to the commencement of development an air quality assessment shall be undertaken to assess the impact of the development on local air quality and the community against the National Air Quality Standards and Objectives. The assessment shall identify the impact of the existing and proposed development and any exceedance of the air quality objectives, including any proposed mitigation and shall be submitted to the Local Planning Authority for approval. Once approved the development shall be undertaken according to this approval and the agreed mitigation measures shall be implemented prior to first occupation. No changes shall be made to the development without the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity and to protect public health.

30. Prior to installation details of any external lighting proposed for the site shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed in accordance with the approved details prior to occupation of the development.

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

## **10. BACKGROUND PAPERS**

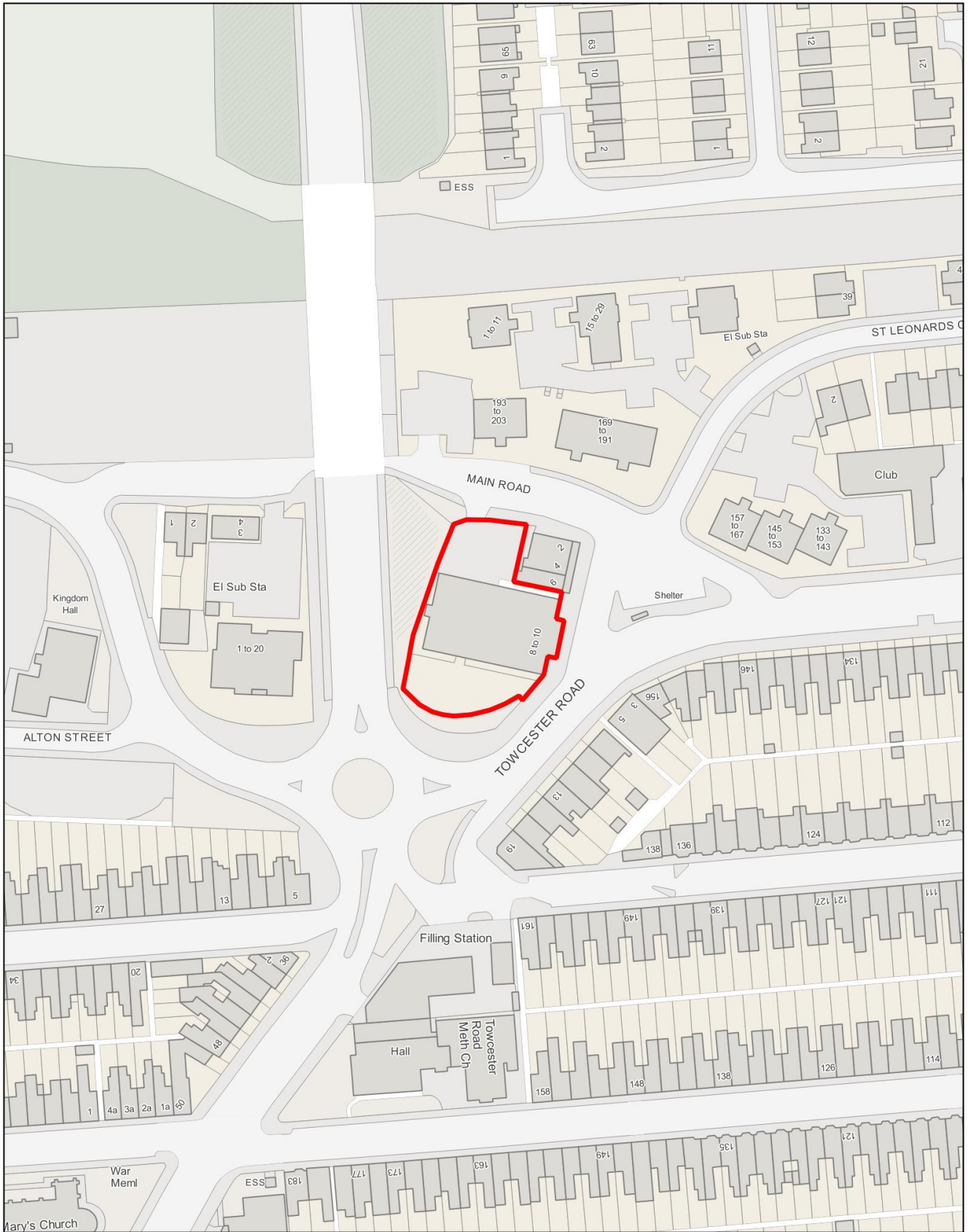
- 10.1 N/2020/1409

## **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.



Title: **Tivoli House, Towcester Road**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 05-03-2021

Scale: 1:1,250

Drawn by: -----