

**PLANNING COMMITTEE:** 2<sup>nd</sup> July 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0239

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

**DESCRIPTION:** Variation of Condition 2 of Planning Permission N/2017/1479 (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) to revise access arrangement, relocate entrance to rear of Unit 8, amend internal circulation to suit, reduction of extent of retail converted to residential and omission of lift

**WARD:** Castle Ward

**APPLICANT:** LDI Northampton (Development) Ltd  
**AGENT:** Church Lukas

**REFERRED BY:** Head of Planning  
**REASON:** Major application requiring S106 agreement

**DEPARTURE:** No

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

#### **1 RECOMMENDATION**

- 1.1 **APPROVAL IN PRINCIPLE** subject to the prior completion of a S106 Agreement to secure:
- A payment towards construction worker training opportunities; and
  - Financial contribution to provide an additional CCTV camera in the town centre including maintenance for 5 years.
- 1.2 The proposed amendments would not have an undue detrimental impact on the appearance and character of the host building, wider area, nearby heritage assets, neighbouring amenity, highway safety or site security and would comply with the aims and objectives of the National Planning Policy Framework, Policies SA, S1, S3, S10, S11, H1, H2, H5, BN5, BN7, BN9, N2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Policies 1,2,5, 10, 11, 16, 18 and 36 of the Central Area Action Plan.

- 1.3 It is also recommended that in the event of the S106 Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant 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 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 Members will recall that planning permission N/2017/1479 was granted in principle by the Planning Committee on 3 July 2018, for the refurbishment and extension of 71-77b Abington Street, including additional floors above ground level, ranging in height from two to five storeys, to provide 48no flats with car parking, landscaping and bin storage.
- 2.2 This was subject to the finalisation of a S106 agreement to secure the provision of a CCTV camera and its maintenance and a financial contribution towards construction training. The S106 agreement was completed and formal planning permission issued in November 2018.
- 2.3 The current application proposes to vary the approved plans condition under S73 of the Town and Country Planning Act to include the following amendments:
- Change the main access to the flats from the front of Abington Street to the rear of the building via the existing car park
  - Retention of Unit 6 as a retail unit
  - Loss of rear part of Unit 8 to create an entrance to residential accommodation
  - Improvements to safety of site to increase security from lighting/ landscaping
  - Minor changes to internal layout to include re-located lift shaft and changes to room layouts of some of the approved flats
  - Additional planters near both the site and building entrance to improve quality of space around entrances

## **3 SITE DESCRIPTION**

- 3.1 The application site comprises a 1970s red brick two storey building of functional appearance located along the northern side of Abington Street. 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. 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 a Public House/ club.

## **4 PLANNING HISTORY**

- 4.1 N/2017/1479 Planning Permission for 48 flats. This was approved on 14 November 2018 subject to conditions.

## **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), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan 2013.

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

## **6 National Policies**

**6.1 The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- Paragraph 61 - housing should be provided for different groups including families, older people, students and disabled.
- Paragraph 108 and 109 Access
- Paragraph 117 - decisions should promote an effective use of land in meeting the need for new homes
- Paragraph 127 - relates to good design and residential amenity
- Paragraph 192 - consideration to impact on heritage assets

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

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

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

## **6.3 Northampton Central Area Action Plan 2013**

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

Policy 1 - Promoting Design Excellence  
Policy 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

## 6.4 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

## 7 CONSULTATIONS/ REPRESENTATIONS

Comments summarised as follows:

### 7.1 Northamptonshire Police object to the proposal for the following reasons:

- The proposal would be contrary to NCC Planning Out Crime Guidance.
- The applicant proposes to remove the front entrance onto Abington Street leaving just the entrance at the back for residential access.
- Natural surveillance would be reduced by moving the main entrance to the back of the site.
- Experience indicates that over time gates may break and may not be maintained sufficiently.

### 7.2 Northamptonshire Highways no comments.

### 7.3 NBC Public Protection no objection.

### 7.4 Town Centre Conservation Area Advisory Committee no comment.

## 8 APPRAISAL

### 8.1 Relevant Planning policy requiring good design is contained in Policy 1 of the Central Area Action Plan which is also reflected in S10 of the West Northamptonshire Joint Core Strategy.

### 8.2 Policy H1 of the West Northamptonshire Joint Core Strategy (JCS) states that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Residential developments will be expected to make the most efficient use of land having regard to the location and setting of the site; the existing character and density of the local area; accessibility to services and facilities, the living conditions provided for future residents; and the impact on the amenities of occupiers of neighbouring properties.

### 8.3 The National Planning Policy Framework (NPPF) also continues the same theme promoting high quality design, urging Local Authorities to reject poor design. The NPPF also emphasises the importance of securing high standard of residential amenity for future occupiers and providing adequate levels of site security. National policy also places importance on development having a positive impact on heritage assets which is re-iterated in BN5 and S10 of the Joint Core Strategy

### 8.4 The proposal includes some minor alterations to the internal layout of some of the rooms in the flats, however, there would be no material impact on residential amenity for future occupants or any impact on the external appearance of the building. The overall number of flats would remain the same with no change to fenestration proposed.

### 8.5 Furthermore, the applicant proposes to increase landscaping and provision of planters which would contribute positively to the appearance of the approved development. There would be additional lighting which would enhance site security to accord with Policy S10 of the JCS and aims of the NPPF.

### 8.6 In terms of moving the principal entrance to the rear, the proposal would result in a continuous ground floor retail frontage on Abington Street, which is considered an improvement as compared with the approved development. Although some rear retail floor space would be loss to unit 8, the proposal includes the retention of the whole of unit 6 which is considered positive in terms of

retaining the shopping character on Abington Street, which forms part of a Primary Retail Frontage in the Central Area Action Plan.

- 8.7 The rear entrance would also include a small canopy above the doors. In design terms, it is considered acceptable and would be in keeping with the character of the host building. Other works include re-positioning of an internal lift shaft which would not be visible from outside the building and therefore have no visual impact.
- 8.8 Notwithstanding the comments from the Crime Prevention Advisor that re-location of the principal entrance would potentially attract an increase in anti-social activity arising from much less natural surveillance, discussions with the applicant have resulted in the provision of an additional CCTV camera overlooking the rear car park and new rear entrance to enhance security. The applicant also intend to undertake additional works to improve security in terms of additional lighting and improved landscaping. On balance, it is considered the proposed security measures would warrant the scheme acceptable and a refusal on security grounds would not be justified.
- 8.9 A S106 agreement was negotiated on the previous permission to provide a financial contribution to provide a CCTV camera, including maintenance, within the public realm and contribution to construction training. A similar legal agreement would be required in relation to this S73 application to secure the necessary obligations.
- 8.10 There have been no objections from the Local Highway Authority, Environmental Health and the Town Centre Conservation Area Advisory Committee. The proposal is considered acceptable and recommended for approval in principle with the conditions as below, subject to the finalisation of a S106 agreement.

## **9 CONCLUSION**

- 9.1 The proposed amendment to the original planning approval N/2017/1479 is considered acceptable as a minor material amendment and would not have an undue detrimental impact on visual or residential amenity, highway safety, nearby heritage assets or site security.

## **10 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of 14 November 2021.  
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, 100D, 101C, 102E, 104G, 105G, 106D, 114, 115C,  
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 to the parking and servicing area, access control to the approved units, CCTV camera to the rear of the site 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 hereby approved 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 residential units 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 hereby approved 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) 102E 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 E 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.

## **11 BACKGROUND PAPERS**

- 11.1 N/2019/0239 and N/2017/1479.

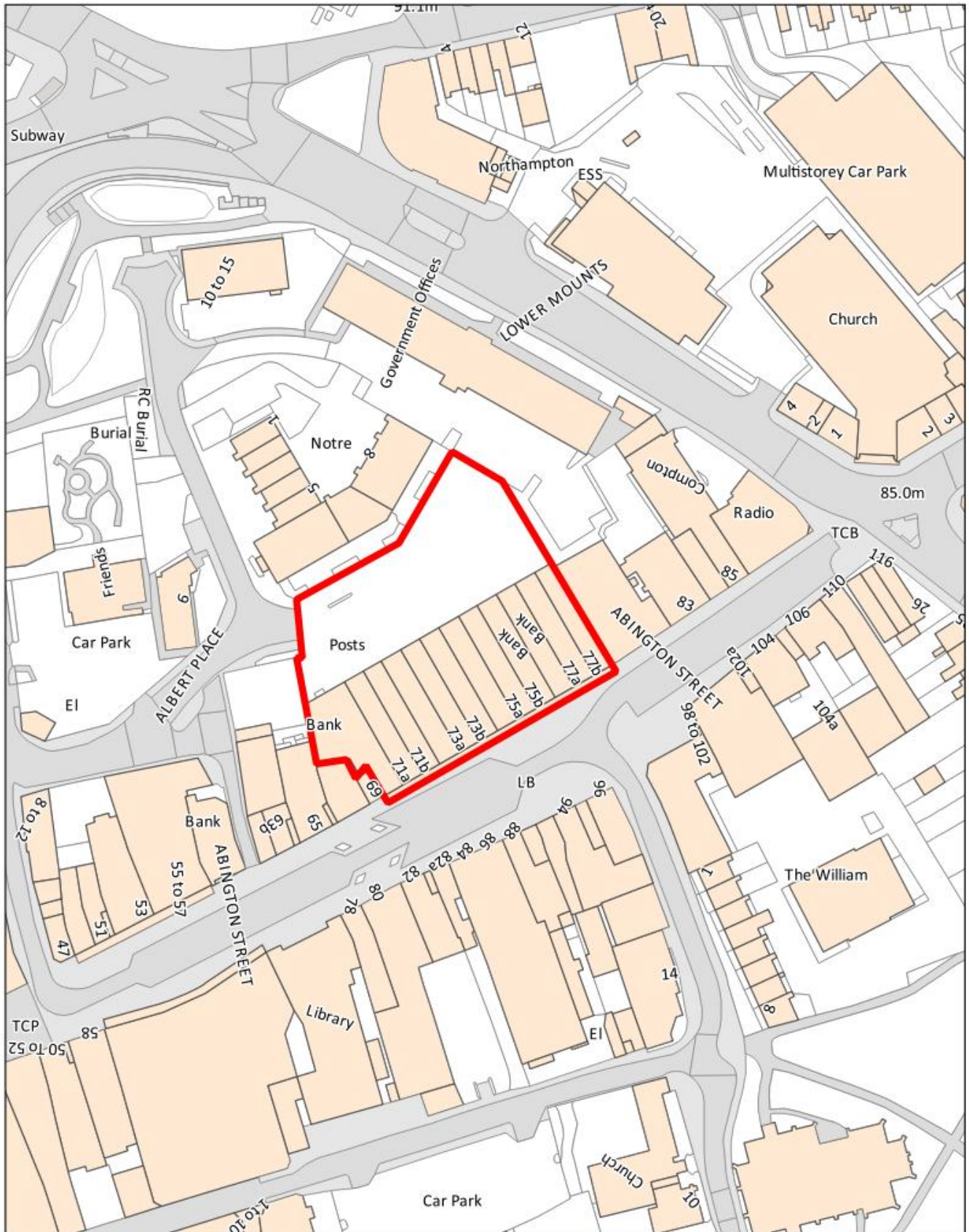
## **12 LEGAL IMPLICATIONS**

- 12.1 The development is not CIL liable as the proposal does not involve any increase in floor space beyond the approved scheme.

## **13 SUMMARY AND LINKS TO CORPORATE PLAN**

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





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Scale: 1:1,250

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