

PLANNING COMMITTEE: 30th July 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0456

LOCATION: Berkeley House , Horsemarket

DESCRIPTION: Demolition of 4no residential buildings, garages and associated areas known as Berkeley House and 3no residential buildings and associated areas known as St Mary's Court. New development of 126no affordable dwellings consisting of 62no one bed apartments, 40no two bed apartments, 5no two bed houses, 17no three bed houses and 2no four bed houses with associated works

WARD: Castle Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

REFERRED BY: Head of planning
REASON: Council owned land and major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

- 1.1.1 i) 35% on-site affordable housing;
ii) A payment towards primary school and early year's education;
iii) A payment towards the provision and/or improvement and/or maintenance of off-site public open space facilities; and
iv) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The proposed development would represent a major regeneration opportunity in the town centre and contribute to the Council's five year housing land supply. As part of a balanced assessment, the design and layout of the proposal is considered acceptable, and would have an acceptable impact upon the character and appearance of the surrounding area, heritage assets, highway safety and neighbouring amenity. The development is therefore compliant with the requirements of

the National Planning Policy Framework, Policies SA, S1, S10, S11, H1, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy; and Policies 1, 10, 16 and 24 of the Northampton Central Area Action Plan.

- 1.1.3 it is also recommended that in the event of the S106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account 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 proposes the demolition of the existing residential blocks known as Berkeley House and St Mary's Court to the west of the A508 Horsemarket and redevelopment to provide 126 new dwellings. The development would include 24 no. terraced and semi-detached dwellings with a mix of 2, 3 and 4 bed properties between two and three storeys to be located to the northern portion of the site. In addition, an apartment block with varying heights rising to a maximum of seven storeys with 102 no. 1 and 2 bedrooled apartments would be located to the southern part of the site.
- 2.2 Access to the site would be via Castle Street and Pike Lane. The design allows for 20 car parking spaces for the 24 houses and 42 car parking spaces for the 102 apartments within the site, with electric vehicle (EV) charging provision for all parking spaces for the proposed dwellings, and 5 spaces for the apartments with EV charging provision. There are also 8 motorbike parking spaces for the apartments and 102 cycle storage units within the apartment building.
- 2.3 The application also includes the provision of brick built bin storage areas as well as electricity sub stations.
- 2.4 Northampton Partnership Homes have carried out extensive public consultations before the application was submitted. The application is supported by a flood risk assessment, travel plan, arboricultural assessment, ecological assessment, air quality and noise assessment and a community engagement strategy.

3 SITE DESCRIPTION

- 3.1 The application site is bound by Upper Bath Street to the north, the A508 Horsemarket to the east, St Mary's Street to the south and Castle Street and Pike Lane to the west. The site area is approximately 0.934 hectares and is currently occupied by 7 no. residential blocks known as Berkeley House and St Mary's Court in the Spring Boroughs area of the town centre.
- 3.2 The residential blocks are two to three storeys in height and most likely built in the late 1960s and early 1970s, and largely in Council's ownership. There are substantial tree belts along the eastern boundary of the site fronting Horsemarket with relatively generous amenity space between the blocks. Due to their construction, the apartment blocks are in need of refurbishment and modernisation.
- 3.3 The area around the application site is predominantly residential in character with other apartments and houses to the west. The VUE multiplex cinema complex is located to the immediate south of the site across St Mary's Street.
- 3.4 The site does not contain any listed buildings and is not within any conservation area. The nearest heritage assets are the Grade II Listed Castle Hill Church on Doddridge Street which is some 65m to the west of the site, and the Grade II Baptist Church on College Street some 140m to the east. The site is also remote from the nearby scheduled monuments (Castle, St Peter's Church and the

former Saxon Palace) off Marefare, and All Saint's Conservation Area located some distance to the south east and east.

- 3.5 Access to the site is currently via Castle Street and Pike Lane. Apart from a row of existing parking spaces to the south of the site fronting St Mary's Street, there are no on-site parking spaces to serve the existing residents.

4 PLANNING HISTORY

- 4.1 There is no relevant planning history.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Central Area Action Plan (2013), and Spring Boroughs Neighbourhood Development Plan (2016).

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

6 National Policies

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

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

Paragraphs 11 set out that the presumption in favour of sustainable development.

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

Paragraph 76 - Viability within residential developments.

Paragraph 109 - details developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places to work and live.

Paragraph 127 - also addresses the importance of design and its impact on the quality and character of an area, as well as detailing that developments should create places that promote health and well-being, including a high standard of amenity for existing and future users.

Paragraph 148 - planning system should support the transition to a low carbon future.

Paragraph 163 - ensuring development does not increase flood risk.

Paragraph 165 - incorporating sustainable drainage systems in major developments.

Paragraphs 170 and 180 - require planning to prevent new development from being put at unacceptable risk from or being adversely affected by air or noise pollution.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 12 - Achieving well-designed places.

Section 15 - Conserving and enhancing the natural environment.

Section 16 - seeks to conserve heritage assets in a manner appropriate to their significance and advises that great weight should be given to the conservation of a designated heritage asset.

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

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

Policy SA - Presumption in Favour of Sustainable Development
Policy S1 - Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S10 - Sustainable Development Principles
Policy S11 - Low Carbon and Renewable Energy
Policy H1 - Housing Density and Design
Policy BN5 - Heritage Assets
Policy BN7 - Flood Risk
Policy BN9 - Planning for Pollution Control

6.3 **Northampton Central Area Action Plan 2013**

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

Policy 1 Promoting Design Excellence
Policy 10 Parking
Policy 16 Central Area Living
Policy 24 Spring Boroughs

6.4 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Planning Obligations SPD (2013)

6.5 **Other Material Considerations**

Spring Boroughs Neighbourhood Plan

The Spring Boroughs Neighbourhood Plan was made in April 2016, and now forms part of the development plan for Northampton. The following policies are of particular relevance:

OP1 Sustainable Development Principles
OP2 Family Housing
OP3 Children's Play Space and Green Spaces

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NCC Highway** – the revised plans are acceptable. The applicant will have to obtain a crossover (Section 184) licence from Northamptonshire Highways Regulations Department.
- 7.2 **Highways England** – no objection.
- 7.3 **Environment Agency** – no objection subject to condition on contamination mitigation.

- 7.4 **Anglian Water** – no objection subject to planning conditions in relation to surface and wastewater drainage treatment.
- 7.5 **NCC Lead Local Flood Authority** – following initial comments, a revised flood risk assessment has been submitted and awaiting final comments from the LLFA. Any comments would be reported to the Committee via the addendum.
- 7.6 **NBC Conservation** – no objection on conservation grounds. The redevelopment would not have a significant impact on the setting and views of the Grade II Castle Hill Church on Doddridge Street. The site is remote from, and will have an acceptable impact, on the setting and views from All Saints Conservation Area and nearby scheduled monuments off Marefare.
- 7.7 **NCC Archaeology** – the application has been submitted with a heritage assessment report which identifies that the less developed areas such as the gardens and the tarmacked areas have a greater potential for archaeological activity. Archaeological field work has since been carried out on site. No objection in principle subject to a condition to secure a programme of archaeological work and post-excavation recording.
- 7.8 **Town Centre Conservation Advisory Committee** – there is a case for refurbishment overall. The loss of good green open space for children to play safely. The new development is an over intensification and will impact on the social make up of this Borough. The views will be obliterated and give an intense domination to the other older social housing. Objection.
- 7.9 **NCC Ecology** – agree with the findings of the submitted ecology report. Disappointed that the trees, which are the site’s main biodiversity feature, will not be retained. Recommend conditions on Construction Environmental Management Plan and installation of bat boxes.
- 7.10 **NBC Arboricultural Officer** – the comments that were made previously in respect of the soft landscape have been favourably received and acted upon. The Arboricultural Survey Report underplays the public amenity value of the trees on Horsemarket, however, the birch are now at their peak and are likely to decline and therefore not considered appropriate for a Tree Preservation Order. The proposed landscaping scheme will in due course contribute to the softening of the mass that the blocks of new dwellings will impose.
- 7.11 **NBC Public Protection** – have the following comments:

Site investigation – recommend conditions in relation to land contamination mitigation.

Air Quality – the development is in an area of the town that is close to and, or exceeding the annual mean of the National Air Quality Objective for NO₂, and which is likely to be declared as an Air Quality Management Area (AQMA) in the future. Plans have been presented that show the housing in close proximity to the Horsemarket carriageway on the overall site layout. An updated report on air quality assessment has been submitted. No objection, subject to a condition requiring a detailed design for air quality mitigation measures to protect the Horsemarket façade from elevated levels of nitrogen dioxide. The provision of electric vehicle charging points as proposed is accepted.

Noise – the noise measurements show that the closest façade to A508 Horsemarket Road represents “high risk” in the ProPG noise assessment protocol. It is accepted that mitigation options are available which will include an enhanced glazing specification with alternative ventilation systems that mean these windows can stay closed to prevent noise break in. This will include mechanical ventilation with comfort cooling systems for warmer weather. Room layouts should ensure no bedrooms or living areas front the A508 façade to reduce overall exposure. An updated noise report has been submitted. No objection subject to a condition requiring a detailed design of noise mitigation to protect the Horsemarket facades from elevated level of road traffic noise.

Construction Noise – construction works shall be restricted to the following hours to reduce impact on local residents:

Mondays to Fridays 07:30 to 18:00
Saturday 08:30 to 13:00
No work on Sundays and bank holidays

Refuse – A waste strategy shall be submitted in relation to refuse collection for the proposed dwellings.

- 7.12 **Northamptonshire Police** – have been extensively involved in pre-application discussions with NPH regarding this redevelopment and the crime prevention advice provided has been broadly included in the proposal. However, have reservations about the inclusion of roof top gardens as could be a source of nuisance and anti-social behaviour to the nearest residents. Recommend that the development is conditioned to achieve a Secured by Design accreditation.
- 7.13 **NCC Development Management** – seek contributions towards early years and primary education, libraries and broadband.

8 APPRAISAL

Principle of Development

- 8.1 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.
- 8.2 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.3 The site is a brownfield site located within a sustainable location on the edge of the Town Centre. The existing residential blocks, due to their age and construction, are in need of renovation and repair and currently provide a sub-standard level of amenity for existing occupiers. In addition, there is an identified need for the provision of family housing within the area.
- 8.4 The site is already in residential use and the redevelopment of the site as proposed would enhance the character and appearance of this prominent site, and provide a more appropriate level of accommodation and amenity for existing and future occupants, whilst addressing current housing needs within the area.

Design, Layout and Amenity

- 8.5 The NPPF advises that good design is a key aspect of sustainable development and should contribute positively to making places better for people, creating safe, inclusive and accessible places that promote health and well-being, with a high standard of amenity, and providing opportunities to promote walking, cycling and public transport. Policy S10 of the JCS seeks to achieve high standards of design and promotes the use of sustainable development principles in relation to access to facilities, alternative transport methods, waste generation and building methods.

- 8.6 The surrounding context of the application site comprises of varying building heights with the VUE multiplex cinema situated to the south 6-storeys high, 2-storey dwellings situated on Pike Lane to the west adjacent to a 10-storey apartment block, and 3-storey properties on Castle Street.
- 8.7 The design and layout of the proposed development has been subject to extensive pre-application discussion. The proposed apartment block would be seven storeys in height and situated in a visually prominent position on Horsemarket and adjacent to a main route through the Town Centre. The building would be viewed in the context of adjacent varying building heights. The overall massing of the building has been broken up by variations in height, a staggered frontage to Horsemarket, a varied palette of materials and use of brick detailing, and fenestration and balcony details in order to add interest to the elevations from all aspects, with the building height accentuated on the corner of Horsemarket/St. Mary's Street to provide emphasise as a landmark building when travelling northwards along Horsemarket.
- 8.8 The proposed dwellings situated to the north of site have been orientated to address the streets and footways on all sides to provide an active frontage. The terrace of dwellings fronting Horsemarket would be 3-storeys in height, and would have staggered frontage to Horsemarket, along with the use of front gables to provide a strong rhythm and add visual interest to the elevations, which is further emphasised by the use of materials and fenestration details. Proposed dwellings facing Castle Street would be 2-storey and of a simpler form, but are orientated to overlook the area of open space to the west. Material details would be agreed by condition to ensure a good quality standard of development is maintained.
- 8.9 The design of both the apartments and the proposed dwellings would ensure that the future residents of the development would have a satisfactory level of light, outlook and privacy. This would ensure conformity with the requirements of national and local planning policies and result in residents of the development having a satisfactory level of amenity. The proposed apartment building would provide some external amenity space for proposed occupiers in the form of roof gardens and an external area of open space to the rear of the building, and proposed dwellings would have small private gardens to the rear. Boundary treatments would be agreed by condition to ensure appropriate levels of privacy and amenity, and to clearly define areas of public and private space. External areas for bin storage would be provided for both the apartments and the proposed dwellings and required by condition.
- 8.10 A controlled, gated access is proposed to external parking areas which would be overlooked by the proposed apartments and dwellings. A condition to achieve Secure by Design accreditation is recommended to provide a safe and secure environment for proposed occupiers.
- 8.11 In respect of the amenity of existing properties, the proposed apartment block and dwellings have been designed with building heights sympathetic to surrounding residential amenity, and located and orientated to ensure there is no adverse impact in respect of overlooking and overshadowing.
- 8.12 Whilst the proposed development would result in the loss of a prominent group of trees along Horsemarket, discussed in more detail below, the proposed buildings would provide an overall enhancement of the site, replacing the existing dated buildings with a more attractive and visually interesting group of buildings which provide an active frontage to the street, and would contribute more positively to the character of the surrounding area.
- 8.13 As such, the design and appearance is considered acceptable and in accordance with the aims and objectives of the NPPF and JCS which seek to ensure a high standard of amenity and design.

Trees

- 8.14 Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment. Policy BN3 of the JCS advises that the loss of trees should be weighed against the benefits of development in that location.

- 8.15 The proposal would result in the loss of a visually prominent group of trees along the Horsemarket frontage which currently assist in breaking up the visual impact of Berkeley House, and make an overall positive contribution in providing an element of greenery in an otherwise built up area within the town centre.
- 8.16 The Council's Arboricultural Officer, whilst acknowledging the visual importance and amenity value of these trees, does not consider the existing trees are of such merit that they should be protected, and that a balanced approach is required in respect of development requirements.
- 8.17 Whilst the footprint of development as proposed would be in closer proximity to Horsemarket than the existing buildings on site, a landscaping scheme is proposed which would provide areas of new tree planting and landscaping to parts of the proposed frontage which would go some way to mitigating the loss of existing trees. This loss must be weighed against the benefits of addressing an existing housing need, and the replacement of the existing dated buildings on site.

Highways and Parking

- 8.18 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.19 The existing apartment blocks currently have no on-site parking provision. The proposed development would provide a parking area to the rear of the apartment block providing 42 parking spaces, 5 of which would have provision for electric vehicle charging points, and gated vehicular access from Pike Lane. The proposed dwellings would have parking to the rear for 20 vehicles, with all spaces having provision for electric vehicle charging points, and gated access from Castle Street.
- 8.20 Whilst the parking provision is below the requirements set out in the current Northamptonshire Parking Standards, the site is in a sustainable location within the Town Centre, and the development proposes an overall enhancement of parking provision in comparison to existing. Furthermore, the Highway Authority raises no objection.
- 8.21 The proposal is therefore considered acceptable in this regard, and would not lead to any undue impact on the surrounding highway network or parking provision within the locality.

Impact on Heritage Assets

- 8.22 Section 16 of the NPPF advises on the need to conserve heritage assets in a manner appropriate to their significance, giving great weight to the asset's conservation. Where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Proposals within the setting of heritage assets should look for opportunities to enhance or better reveal their significance. Policies S10 and BN5 of JCS seek to conserve and enhance designated and non-designated heritage assets.
- 8.23 The Council's Conservation Officer raises no objection to the proposed development advising that the overall height and appearance of the development would not lead to any adverse impact on the setting of nearby heritage assets.
- 8.24 The Heritage Assessment submitted with the application identifies that the development is in an area with potential for archaeological activity, most likely to be Saxon and/ or medieval in date. The applicant has been in detailed discussion with the County Archaeologist, and whilst some further archaeological work has been carried out on site, in view of the current occupation and buildings on site, it has been difficult to carry out any further detailed investigation. In view of these circumstances, the County Archaeologist has no objection in principle to development of the site as proposed subject to conditions requiring further archaeological investigation and reporting.

8.25 **Air quality, Noise and Contamination**

The NPPF seeks to ensure that development is appropriate for its location in respect of pollution and contamination and impacts of noise arising from development are minimised. Policies S10 and BN9 of the JCS seek to ensure new development minimises pollution from noise, air and run off.

- 8.26 The site is located in an area of the town that is close to or exceeding the annual mean of the National Air Quality Objective for NO₂, and is likely to be declared as an Air Quality Management Area in future. Due to the proximity of the proposed apartments and dwellings to Horsemarket, the buildings will need to be designed to ensure that future occupants are not adversely affected by poor air quality condition whilst maintaining appropriate levels of ventilation. This is likely to include ventilation proposals that include comfort cooling to prevent opening of windows on the Horsemarket façade and use of filtration systems. A condition is therefore proposed in this regard. In addition, the proposed parking areas would include the provision of some electric vehicle charging points which would assist in mitigating the impacts of development. Public Protection is satisfied that, subject to conditions, an appropriate level of mitigation can be achieved in respect of air quality. Matters relating to the energy efficiency of buildings are addressed under the Building Regulations. As all new properties have to comply with these, the proposal complies with Policy S10 of the JCS.
- 8.27 The proximity of the development to Horsemarket will give rise to adverse impacts on proposed occupiers from adjacent traffic noise. Whilst there is evidently an impact in this regard on current occupiers of the site, Public Protection raise concern regarding the siting of the proposed development, which will bring buildings closer to the boundary with Horsemarket and any associated traffic noise. However, they advise that if the facades of the properties facing onto the Horsemarket do stay in the current position, then appropriate mitigation should be sought by condition. Mitigation would be likely to include an enhanced glazing specification with alternative mechanical ventilation systems with comfort cooling that mean windows can stay closed to prevent noise break in. On balance, it is not considered that the impacts of noise on proposed occupiers, subject to appropriate mitigation, would preclude development of the site as proposed.
- 8.28 Conditions are recommended requiring the submission and approval of a Construction and Environmental Management Plan which would include measures to control construction routes, noise and dust during construction, and hours of construction to ensure surrounding residential amenity is protected.
- 8.29 In respect of contamination, the application is supported by a Phase 1 Contamination Assessment which has assessed the site in respect of ground conditions and surrounding influences. Public Protection is satisfied with the measures proposed within the report, subject to conditions to secure the recommendations therein, and a condition for appropriate mitigation in respect of any unexpected contamination found on site not previously identified.

Flood risk and drainage

- 8.30 The NPPF seeks to ensure that in determining development proposals flood risk is not increased elsewhere and that development does not contribute to or is put at risk from unacceptable levels of water pollution. Policy BN7 of the Joint Core Strategy states that all new development should demonstrate that there is no increased risk of flooding to existing properties and should seek to improve existing flood risk management. Surface water management incorporating sustainable drainage techniques should be accompanied by a long term management plan and protect and enhance water quality.

The site falls within Flood Zone 1 comprising land of having less than 1 in 1000 annual probability of flooding from rivers or seas. The principal risk of flooding is considered to be from surface water run-off as a consequence of any increased impermeable surface on the site due to the increase in building footprint to that currently existing on the site.

- 8.31 A revised flood risk assessment has been submitted and the final comments from the Lead Local Flood Authority are awaited. Any comments would be reported to the Committee via the addendum.
- 8.32 The Environment Agency and Anglian Water raise no objections.

Section 106 Contributions, Affordable Housing and CIL

- 8.33 Paragraph 54 of the NPPF advises that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Heads of Terms as listed below form the basis for the formulation of planning obligations in order to mitigate the unacceptable impact of the development. It is considered that the impact of the development in terms of affordable housing, educational requirements, highway improvements, public transport provision and healthcare are all capable of being sufficiently mitigated.
- 8.34 Paragraph 56 advises the planning obligations must only be sought where they meet the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 8.35 Paragraph 57 of the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence under pinning is up-to-date.
- 8.36 Paragraph 64 of the NPPF advises that at least 10% of the homes in major housing developments should be available for affordable home ownership. Policy H2 of the JCS requires the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need.
- 8.37 In respect of this application, the development includes the provision of 100% affordable housing. Notwithstanding this, the development still needs to be assessed in respect of the provision of the necessary infrastructure, such as education, healthcare and open space provision, to ensure appropriate mitigation of any impacts arising as a result of the development
- 8.38 The application is supported by a Viability Report which is currently subject to independent assessment on behalf of the Council. The conclusions of the assessment are awaited. In the absence of these conclusions and any information to suggest that the scheme is not able to support the required developer contributions and obligations to mitigate the impact of the proposed development, the following S106 contribution would be sought in accordance with policy requirements:
- i) 35% on-site affordable housing;
 - ii) A payment towards primary school and early year's education;
 - iii) A payment towards the provision and/or improvement and/or maintenance of off-site public open space facilities; and
 - iv) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.
- 8.39 Requirements in respect of contributions towards the provision fire infrastructure and libraries are not required by planning policy.
- 8.40 The development will be subject to CIL payments which are non-negotiable. The contributions will be considered against the requirements of the Council's CIL Regulation 123 list which includes the following infrastructure: the North West Relief Road, secondary education, the Northampton

Growth Management Strategy (NGMS) (M1/A45 junction improvements, and indoor sports provision.

9 **CONCLUSION**

- 9.1 The National Planning Policy Framework supports sustainable housing development and economic growth. The redevelopment of the site as proposed would represent a major regeneration opportunity in the town centre, enhancing the character of the area, and addressing an existing housing needs within the Borough. As part of a balanced assessment, the design and layout of the proposal is considered acceptable, and would have an acceptable impact upon the character and appearance of the surrounding area, heritage assets, highway safety and neighbouring amenity in accordance with policy requirements, and is therefore considered acceptable.

10 **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3. Full details of all proposed external facing materials 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.

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. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries, and including details of controlled access gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

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

5. Prior to any above ground works commencing, other than demolition, a detailed scheme of hard and soft landscaping for the site shall be submitted for approval in writing by the Local Planning Authority. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained.

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

6. All planting, seeding or turfing approved under Condition 5 above shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species. Hard landscaping shall be carried out prior to occupation of the development hereby permitted.

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

7. Notwithstanding the submitted details, prior to commencement of any works on site, an Arboricultural Method Statement shall be submitted for approval in writing by the Local Planning Authority that details measures for the protection of retained trees as shown on drawing no. 14098-109-WIE-ZZ-XX-DR-V-77002 P03 contained with the submitted Arboricultural Survey Report and Impact Assessment by Waterman Infrastructure & Environmental Limited dated May 2019. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate protection of retained trees in the interests of amenity and in accordance with the aims of Policy BN3 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

8. 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 is a pre-commencement condition to ensure timely submission of details.

9. Notwithstanding the details submitted, full details of the provision to be made for new bat boxes within the site 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 promoting a more ecologically sustainable form of development in accordance with the National Planning Policy Framework.

10. Notwithstanding the details submitted, full details of the surface treatments to all roads, paths and driveways 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 and pedestrian safety, in accordance with the requirements of the National Planning Policy Framework.

11. The development hereby permitted shall be carried out in accordance with the recommendations of the Phase 1 Desk Study and Preliminary Site Investigation by Waterman Infrastructure and Environmental Ltd, reference WIE14098-P1-1-1-4 dated April 2018.

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

12. 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, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

13. Prior to commencement of the development, except for demolition, a scheme for the detailed design of air quality mitigation measures, to protect the Horsemarket facade of the development from elevated levels of nitrogen dioxide, shall be submitted and agreed with the Local Planning Authority. The agreed measures shall be implemented at the development site prior to occupation and retained thereafter.

Reason: In the interests of improving air quality and reducing greenhouse gases in accordance with the requirements of Policies S10 and S11 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

14. The development shall be carried out in accordance with the recommendations in Table 15, Section 7.5 of the Air Quality Assessment by Waterman Infrastructure & Environment Limited dated June 2019 identifying the provision of electrical vehicle charging points within the development, which shall be provided prior to occupation.

Reason: In the interests of improving air quality and reducing greenhouse gases in accordance with the requirements of Policies S10 and S11 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

15. Prior to commencement of the development, except for demolition, a scheme for the detailed design of noise mitigation measures, to protect the Horsemarket façades from elevated levels of road traffic noise (which shall include glazing and ventilation specifications), shall be submitted and agreed in writing by the Local Planning Authority. The agreed mitigation measures shall be implemented at the development site prior to occupation and retained thereafter.

Reason: In the interests of residential amenity and to ensure a satisfactory standard of development in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

16. No construction work (including use of machinery and/or plant maintenance) shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays.

Reason: In the interests of surrounding amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

17. 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

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.

18. Prior to any above ground works commencing, a scheme shall be submitted for approval in writing by the Local Planning Authority that demonstrates how the objectives of Secured by Design have been addressed in the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework.

19. No development shall take place until the applicant 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 by the Planning Authority. The written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) Approval of a Written Scheme of Investigation;

(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

(iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;

(iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production 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 Planning Authority.

Reason: To allow archaeological investigations to be made and sufficient mitigation to be secured in an area where remains of considerable archaeological remains are understood to exist in accordance with the requirements of the National Planning Policy Framework and Policy BN5 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. Notwithstanding the submitted details, prior to occupation of the development hereby permitted a Refuse Strategy that details measures for the provision of storage, collection of, and management of areas for refuse and recycling shall be submitted for approval in writing by the Local Planning Authority. The development 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

21. Full details of all external lighting shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or

without modification), no extensions or outbuildings shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

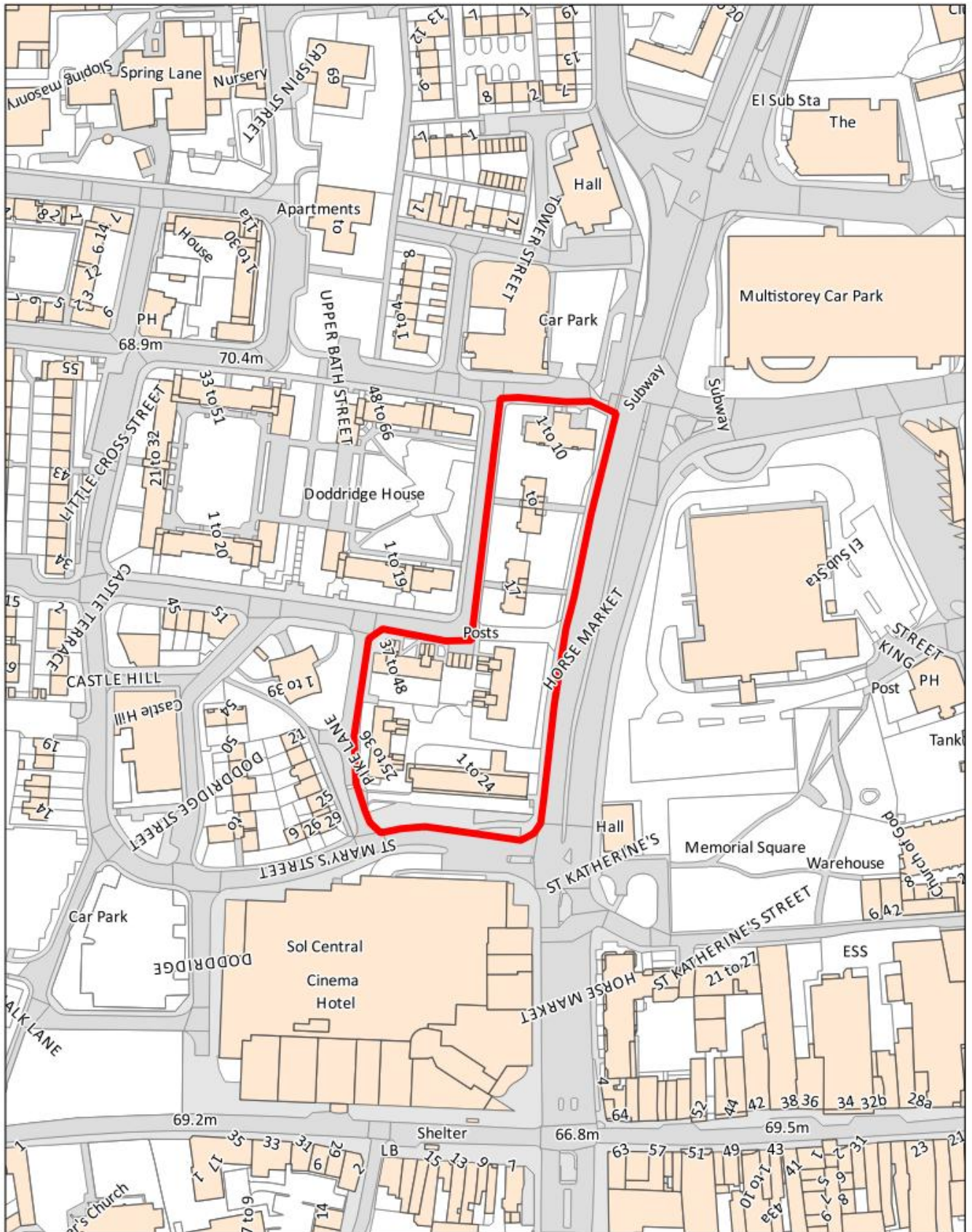
11.1 N/2019/0456.

12 LEGAL IMPLICATIONS

12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Berkeley House & St Mary's Court**

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Date: 16-07-2019

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