



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0563

LOCATION: Barker Buildings, Countess Road

DESCRIPTION: Part demolition and conversion of the existing factory building to 54no apartments and the erection of a new 3-storey building to provide 14no apartments, together with bin and cycle storage and parking

WARD: Spencer Ward

APPLICANT: Homegrown Property Development
AGENT: BB Partnership Limited

REFERRED BY: Head of Planning
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would bring about the development of a derelict building in a prominent location within a residential area, the renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location, with good access to the town centre and public transport. The proposed conversion and new build would contribute to the Council's 5-year housing supply. Subject to the conditions proposed, the development would not lead to any unacceptable adverse impacts on existing highway, flood conditions, existing or proposed residential amenity, or adjacent land uses. It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of Section 106 contributions required is applied and that, on balance, the lack of contributions would be outweighed by the environmental and social benefits of the proposal. As such, the proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S1, S3, S10, C2, E1, H1, BN2, BN7, BN9, INF1, INF2 and N1 of the West Northamptonshire Joint Core Strategy, and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the part demolition and conversion of the existing former factory building to 54 apartments, and the erection of a new 3-storey building to provide 14 apartments, together within on-site parking provision, and bin and cycle storage. The conversion of the existing building would comprise 41 x 1-bed units and 13 x 2-bed units. The new build would comprise 11 x 1-bed units and 3 x 2-bed units. Both the converted building and the new build would have lift access to the upper floors.
- 2.2 Vehicular access to the site would be from Countess Road via a controlled gated access, with a separate pedestrian only access from Lyttleton Road. On-site parking provision of 72 parking spaces would be provided comprising 68 spaces for the flats and 4 visitor spaces, including provision of 4 disabled spaces and 8 electric vehicle charging spaces. Cycle storage would be provided for 68 bicycles.
- 2.3 The site has been subject to previous planning permissions for residential development as detailed below in Section 4. The current scheme is submitted as a result of a number of factors that have arisen since the previous approval:
- 3rd Party Right of Way across site - the owner of some of the industrial units to the west of the site has a right of access across part of the application site along the northern boundary. The applicant has advised that an agreement has been reached with the owner to purchase part of the affected area of land, effectively causing the issue to fall away.
 - Following more detailed survey work, the precise position of the culvert (Dallington Brook) running through the site has been identified. This locates the culvert further west than previously shown and, as a result, has required the repositioning of the east elevation of the new build block.
 - The previously approved scheme proposed the reconstruction of the culvert in order to provide additional site area. The extent of works required are now considered unlikely to be supported by the Environment Agency and would have further cost implications. The culvert is to be retained along its existing alignment.
 - Further investigation into the structure of the Barker Building has ascertained that it is necessary to raise the roof height to provide adequate insulation within the headroom.

3 SITE DESCRIPTION

- 3.1 The site comprises of a disused 3-storey factory building located at the corner of Countess Road and Lyttleton Road. The overall site is 0.4 hectares in area. The surrounding area is predominantly residential of varying types and ages including houses and apartments. To the rear and immediate north of the site are industrial workshops accessed from Lyttleton Road. The factory building comprises of a mainly 3-storey solid brick building with slate roof with two lift shafts and a range of single storey buildings located to the rear. Vehicular access is from Countess Road.
- 3.2 Dallington Brook runs through the centre of the site north to south, and a large part of the site is situated within Flood Zone 2.

4 PLANNING HISTORY

- 4.1 The site is subject to an extant planning permission (N/2017/0025) for the part demolition and conversion of the existing factory building to 54 apartments and erection of new three storey building to provide a further 10 apartments, together with bin and cycle storage and parking.
- 4.2 The application, as with previous applications, was subject to a viability assessment which concluded that the scheme was unable to support the provision of any affordable housing or

Section 106 contributions. The application was approved by Committee in September 2017 with no affordable housing or Section 106 contributions.

- 4.3 N/2016/0900 - Variation of Condition 12 of N/2015/1021 (Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings) to amend the layout of the car park in accordance with approved flood risk details and re-position the bin stores. Approved 25/10/2016.
- 4.4 N/2015/1021 - Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings. Approved 14/04/2016.

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
- Section 5 - Housing Supply
- Section 8 - Promoting healthy and safe communities.
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- 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

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 SA - Presumption in Favour of Sustainable Development
- Policy S1 - The Distribution of Development
- Policy S3 - Scale and Distribution of Housing Development
- Policy S10 - Sustainable Development Principles
- Policy C2 - New Developments
- Policy E1 - Existing Employment Areas
- Policy H1 - Housing Density and Mix and Type of Dwellings
- Policy H2 - Affordable Housing
- Policy BN2 - Biodiversity
- Policy BN7 - Flood Risk
- Policy BN9 - Pollution control
- Policy INF1 - Approach to Infrastructure Delivery
- 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:

E20 - New Development (design)

5.5 **Supplementary Planning Documents**

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

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Public Protection (NBC)** - no objection, following further discussions regarding the potential implications of noise arising from the adjacent commercial units and the assessment to be on a 'worse case' scenario. Conditions to be imposed for a detailed noise survey and mitigation of adjacent residential units as necessary.
- 6.2 **Local Highway Authority (NCC)** - no objection, as previously stated, the development must accommodate any additional parking demand resulting from the additional demand. However, it has been highlighted that although the number of apartments will be increasing, the number of 2 bedroom apartments will be reduced. Therefore, the change in apartment types will compensate for the increase in the number of apartments with regards to parking demand. As a result, the LHA believes that the proposed amendment to the development will not negatively impact upon the local highway network.
- 6.3 **Lead Local Flood Authority (NCC)** - no objection, subject to conditions for the submission of a detailed surface water drainage scheme, based on the approved Flood Risk Assessment (FRA), approval of details of maintenance of and verification of the installed surface water drainage system.
- 6.4 **Environment Agency** – no objection, subject to conditions requiring the development to be carried out in accordance with the revised Flood Risk Assessment (FRA) and the provision of appropriate internal floor levels, and conditions relating to contamination mitigation.
- 6.5 **Anglian Water** – no objection.
- 6.6 **Development Management (NCC)** – request contributions towards primary education and library provision, and the provision of fire hydrants/sprinklers as required. Secondary education contributions to be secured through CIL.
- 6.7 **County Ecologist (NCC)** – no objection, subject to condition for the submission and approval of a method statement to deal with the presence of bats, and details of lighting.
- 6.8 **Northamptonshire Police** – no objection, recommend the provision of controlled vehicular access gates and doors, ground floor doors and windows to comply with Building Regulation standards for security, provision of appropriate lighting, brick built and lockable bin stores, and secure, overlooked cycle stores.
- 6.9 **Construction Futures** – request provision of and financial contribution towards employment training weeks.

6.10 **Councillor G Eales** – objects. Acknowledge that site has been vacant for about eight years and has at times be a hive for anti-social and criminal behaviour. Raise concern regarding the lack of parking and subsequent impact on surrounding streets that are jammed as it is. So much so that currently doing a survey in conjunction with Highways to try and find solutions. Adding extra vehicles would be a disaster. Appears to be deficit in provision of disabled parking spaces. Raise concern that no affordable housing offered on this plan, and frequent deviation and dilution of the policy for a 35% requirement. Nothing offered to the community in way of S106 monies, which is unacceptable. Need to build more homes, but they have to be schemes that benefit everyone. What benefit is there in this scheme for people who live locally? A revised plan is needed, with a more modest level of properties in order to provide sufficient on-site parking, affordable housing and a modest contribution that can be invested in the local area.

6.11 13 objections have been received. Comments are summarised as follows:

- Negative impact on parking which is already an issue in the area
- Need more parking and less flats
- Road congestion
- Adverse impact on air quality
- More people, no more facilities
- Road damage
- More litter
- Appreciate something needs to be done with building before it descends into further dereliction
- In favour of renovation of the building as it has become eyesore and hang out for anti-social activities, but concerned regarding lack of parking
- Worried about increase in crime

7 APPRAISAL

Principle of development

- 7.1 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.
- 7.2 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.
- 7.3 Paragraph 118 of the NPPF, encourages the use of brownfield sites and the re-use of under-utilised land and buildings for residential use where there is an identified need for additional housing in the area.
- 7.4 Policy E1 of the JCS seeks to resist change of use of existing employment to non-employment uses unless it can be demonstrated that the site is no longer economically viable for employment purposes, there is conflict with adjoining uses or its release would offer significant benefits to the local area.
- 7.5 The site has been vacant for a considerable number of years. The principle of development of the site for residential use has been established through the grant of previous permissions in 2015,

2016 and 2017 respectively. Although the NPPF has since been updated in February 2019, the proposal remains in accordance with the overriding aims of the NPPF to provide sustainable housing development. In addition, the current application represents an overall increase of four additional units to that previously approved in September 2017, proposing 68 units in total which would marginally increase the contribution of the development towards the Council's housing supply.

- 7.6 The site is in a sustainable location, with good access to the town centre and public transport. Subject to the considerations discussed within the remainder of this report, the principle of conversion of the existing building and new build element of a further 14 units is considered acceptable.

Design

- 7.7 The NPPF advises that good design is a key aspect of sustainable development. These aims are reflected in Policy S10 of the JCS which require new development to achieve the highest standards of sustainable design incorporating safety and security measures.
- 7.8 In respect of the existing building, the development would remove the unattractive later additions to the rear of the building. The majority of the traditional features of the building, including window openings, would be retained with minimal alterations to the front of the building proposed, with the exception of new door openings in former window openings which are currently bricked up. A number of roof lights are proposed in the front roof slope to allow living accommodation within the roofspace, as permitted under the previous scheme, but due to the height of the building, these would not be prominently visible from the street. An elongated dormer would extend across the rear roofslope to provide an internal corridor for the proposed 3rd floor apartments, and the overall ridge height of the building increased by approximately 0.4m to allow for internal insulation and to provide sufficient headroom. The top of the proposed lift shaft and stairwell proposed on the rear roofslope would be visible from the side and rear of the building. The rear dormer, lift shaft and stairwell are proposed to clad with metal cladding and a condition is recommended to agree precise material details to ensure they are sympathetic to the building. Internally, the existing second floor and internal columns will be removed allowing for a more efficient solution to the headroom available on each floor and allowing a more efficient layout of units, corridor and access design.
- 7.9 The proposed new build would be 3 storeys in height, but has been designed to be lower in height and appear subservient to the main Barker building when viewed from Lyttleton Road. The overall footprint of the building has increased from that previously approved with the 2nd and 3rd floor of the building now extending out over the proposed undercroft parking area by nearly 24m (extending approximately 9m further northwards into the site than the previously approved scheme). The design of the new build is more contemporary in appearance, and despite its more elongated footprint and scale, views of the building would be seen in the context of the elongated appearance of the Barker building and surrounding commercial units, such that it is not considered the overall scale and design would appear out of context.
- 7.10 Materials proposed would comprise of brick as ground and first floor level to complement the existing Barker building, with zinc cladding to the top floor which is set back. Precise material details would be agreed by condition.

Amenity

- 7.11 Policy H1 of the JCS requires new development to have regard to the living conditions and amenity of both future occupiers and the occupiers of neighbouring properties.
- 7.12 The existing building would be converted to provide 41 x 1-bed units and 13 x 2-bed units. The new build would comprise of 11 x 1-bed units and 3 x 2-bed units. All rooms within the converted building and the proposed new apartments would have sufficient daylight and outlook and are considered to be of reasonable size, the smallest units being just over 30m² floor area, but the

majority of units being in excess of this. Both the converted building and new building would have lift access to upper floors.

- 7.13 Secure enclosed bin storage areas would be located to the rear and side of the buildings. Outdoor amenity space would be limited with small areas of landscaping within the car park to the rear, and external balcony areas to the upper floors on the new build element. However, the site is within close proximity of Victoria Park to the south and Dallington Park to the north-west, and it is not unusual for flat developments to have limited outdoor amenity space.
- 7.14 In respect of neighbouring amenity, other than roof lights, no new openings are proposed on the front elevation facing towards residential properties on Countess Road. The new apartment block would introduce some additional windows and balcony areas facing directly onto a parking area situated opposite the site on Lyttleton Road. The building would be off-set from the rear garden of No. 66 Countess Road and the front elevation of No. 1 Lyttleton Road, both on the opposing side of Lyttleton Road, such that it is not considered that there would be any unacceptable adverse impact on neighbouring amenity. To the immediate rear of the new build are commercial units, the nearest residential properties beyond this being located some 48m from the western boundary of the site, such that it is not considered residential amenity of these properties would be adversely affected.

Highway Matters

- 7.15 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.
- 7.16 Access to the site would be via the existing site access from Countess Road with pedestrian only access from Lyttleton Road. A total of 72 spaces comprising 68 parking spaces for the flats and 4 visitor spaces would be provided on site, accessed via automated secure access gates. The parking would include the provision of 4 disabled spaces and 8 electric vehicle charging points. In addition, secure on-site bicycle storage would be provided for 68 bicycles.
- 7.17 The Northamptonshire Parking Standards (September 2016) advise that applications for new build flats will be treated on their own merits based upon the local character of the area. No specific standards are set out for the conversion of buildings to residential apartments, which are again assessed on their merits. The parking provision proposed is comparable to that approved under the previous scheme and the Highway Authority raise no objection. The site is in a sustainable location within close proximity to facilities on Harlestone Road and public transport. Furthermore, there is on-street parking surrounding the site. On balance, whilst the concerns raised regarding parking are noted, it is not considered that the proposal would lead to any unacceptable adverse impacts on existing highway conditions within the area such that the application should be refused on this basis.

Flood Risk

- 7.18 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.
- 7.19 Since the previous planning approval, the applicant has carried out more detailed survey work on the existing culvert which runs through the site which has identified that the culvert is situated further west than previously shown. As a result, the position of the east elevation of the new build block has been repositioned to allow a sufficient distance from the culvert.

- 7.20 In addition, the applicants have advised that the previously approved scheme proposed the reconstruction of the culvert to provide additional site area for parking and cycles. Further, detailed investigation of the culvert has ascertained that the rebuilding of the culvert is unlikely to be supported by the Environment Agency and that, in any event it would be prohibitively expensive to do so. The scheme, as currently proposed, retains the culvert on existing alignment.
- 7.21 The application is supported by a Flood Risk Assessment which has been amended to address the concerns of the relevant drainage bodies. Subject to conditions proposed, the Environment Agency and Lead Local Flood Authority are satisfied that the development will not lead to any increased flood impacts, and would not adversely affect proposed occupiers and, therefore, raise no objection. In relation to the exceptions test it is considered that the development would provide wider sustainability benefits to the community in bringing a disused building back into use which would enhance the character and appearance of the area and would also provide much needed housing.

Noise

- 7.22 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.
- 7.23 The site is bound to the west and north by established industrial units some of which are known to operate on a 24 hour basis. A Noise Assessment has been submitted in support of the application. The report acknowledges that, on the basis of previous reports submitted relating to development of the site, the significant environmental noise impacting the site comes from the adjacent Eagle Wilcox factory at the northern end of the site. However, it should be noted that there are no restrictions on the units to the rear of the site and therefore, there is the potential for any of the units to operate on a 24 hour basis.
- 7.24 The previously approved scheme accepted that there would be the potential for noise impacts from the adjacent commercial units on both the converted building and proposed new building. However, it was considered this could be appropriately mitigated through the use of appropriate glazing and mechanical ventilation, and a scheme to agree noise mitigation details was conditioned accordingly.
- 7.25 The current scheme would extend the new build element closer to the commercial building to the north of the site by approximately 9m to that previously approved. The scheme has been amended to predominantly provide an internal corridor facing towards commercial units to the west of the site to reduce the extent of habitable room windows on this elevation. Notwithstanding this, Units 8, 9 and 10 of the proposed new build would have habitable room windows facing towards commercial units with a greater potential to be affected by noise arising from surrounding uses.
- 7.26 Environmental Health, following further discussions with the applicant to advise of the level of likely mitigation required to some of the units, has no objection subject to an appropriate scheme of noise mitigation being secured by condition for habitable room windows which would incorporate the need to install alternative forms of ventilation providing an alternative option to occupiers other than opening windows.
- 7.27 Whilst it is acknowledged that the relationship of the development with adjacent commercial units is not ideal, this needs to be balanced with the consideration that the site has been vacant for some considerable time and has not come forward for development. The applicant has advised that the new build element is required to improve the viability of the scheme, albeit viability still remains an issue as discussed later in this report. Subject to the condition proposed, it is considered that appropriate mitigation could be achieved to negate the potential noise impacts from adjoining land such that an acceptable level of amenity would be provided

Ecology

- 7.28 Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If significant harm to biodiversity resulting from development cannot be avoided, or adequately mitigated, planning permission should be refused. Policy BN2 of the JCS seeks to ensure development maintains and enhances existing designations or delivers a net gain in biodiversity, with appropriate weight attached to the status of any sites affected.
- 7.29 The application is supported by an Ecological Assessment. The report identifies that the Barker building and culvert have the potential for the presence of bats. The survey indicated that there were no bats present in the building, with the culvert having moderate hibernating potential for bats, and the site used by a low number of bats for commuting and foraging. The report recommends pre-cautionary emergence re-entry surveys prior to refurbishment in respect of the existing building, the inspection of the culvert for the presence of bats by a suitably qualified ecologist prior to any culvert works, and controls in respect of light spillage throughout the site in respect of foraging and commuting bats.
- 7.30 The County Ecologist raises no objection subject to agreeing an appropriate method statement to ascertain the presence of and appropriate mitigation in relation to any bats on site prior to any demolition taking place, and a condition to agree the details of external lighting.

Air Quality

- 7.31 The application site is not within an Air Quality Management Area (AQMA), however, in accordance with the recommendations of the Council's Low Emissions Strategy, the application proposes the installation of 8 electric vehicle (EV) charging points on site. Public Protection are satisfied this meets the necessary requirements, and a condition is proposed for the submission of a scheme to be agreed for the provision of EV charging points.

Affordable Housing, Section 106 Obligations and CIL

- 7.32 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.
- 7.33 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 underpinning is up-to-date.
- 7.34 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.
- 7.35 The previous development proposal for the site was subject to a viability assessment which demonstrated that the scheme was unable to support the provision of any affordable housing or S106 contributions. Committee in September 2017 to grant planning approval without any affordable housing provision or S106 requirements.
- 7.36 In respect of the current scheme, a further viability report has been produced on behalf of the applicant that advises that development of the site as proposed would result in a profit margin of 11%. The development includes abnormal costs arising from contamination, structural alterations to convert the building and noise mitigation.
- 7.37 The viability report has been assessed by an independent consultant on behalf of the Council. The report advises that the assumed 11% profit is substantially below that referred to in NPPF guidance in the order of 15-20%, depending on the risk of the scheme. The assessment

concludes that assumptions made in the submitted report are fair and reasonable, and that a policy compliant scheme, providing affordable housing and S106 requirements is not viable. Any CIL due would have to be paid at the expense of profit.

- 7.38 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, or S106 contributions, which would make the scheme unviable and therefore undeliverable.
- 7.39 The County Council has requested a financial payment towards the provision of primary education within the vicinity. A request for fire hydrants and financial contributions towards libraries has also been made, however, there is no policy basis for this and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122. No response has been received from the consultation to the relevant healthcare authorities in respect of healthcare provision.
- 7.40 A further requirement is for the provision of construction training and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.41 However, the above contributions are also subject to the viability assessment as discussed above. Given that conclusions of the viability assessment, the requirement for any contributions would result in the development being unviable and the site remaining undeveloped for a further period. This is a material consideration in determining the planning application.
- 7.42 The development would be subject to CIL payments, the payments of which would be considered against the relevant categories of the Council's Regulation 123 which includes Secondary Education.

8 CONCLUSION

- 8.1 The proposal would bring about the development of a derelict building in a prominent location. The renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location with good access to the town centre and public transport and the development would make a positive contribution to the Council's 5-year housing supply. The development would not lead to any unacceptable adverse impacts on existing highway or flood conditions, existing or proposed residential amenity, or adjacent land uses.
- 8.2 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied, however the scheme would be subject to CIL payments. This consideration needs to be weighed against the benefits of bringing a derelict building back into use in an area where there is a high degree of crime and anti-social behaviour and the positive contribution that the development would make towards the character and appearance of the area in addition to the provision of much need housing. On balance it is considered that the environmental and social benefits of the proposal outweigh the harm identified above and the application is therefore recommended for approval.

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) Details of all proposed external facing materials including window, door and balcony/balustrade details 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

3) Prior to the occupation of the development hereby permitted, full details of all external lighting shall be 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

5) Prior to occupation, a detailed scheme of hard and soft landscaping for the site, including measures for screen planting along the western boundary of the site adjacent to the industrial units, shall be submitted to and approved in writing by the Local Planning Authority.

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.

6) 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 S10 of the West Northamptonshire Joint Core Strategy.

7) Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site, including 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.

8) The access, access gates, car parking, cycle parking provision and bin storage shall be laid out in accordance with the details shown on drawing no. FPD_600 Rev G prior to occupation of the development hereby permitted and retained thereafter.

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

9) Prior to occupation of the development hereby permitted, a scheme for the mitigation of external noise impacts from adjacent employment uses on the proposed residential units comprising Barker Building Apartment 1-9 (inclusive), north facing windows of Apartment 10, Apartment 19-25 (inclusive), Apartment 26 north facing windows, Apartment 34-40 (inclusive), Apartment 41 north facing windows, and South facing windows of Apartment 8, west facing and north facing windows of Apartment 9, west, north and south facing windows of Apartment 10 as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include glazing specifications and details of mechanical ventilation. The scheme shall be implemented in accordance with the approved details prior to occupation of the above units and retained thereafter throughout the lifetime of the development hereby permitted.

Reason: In the interests of the amenity of the proposed occupiers of the residential units and to protect adjacent employment uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the NPPF.

10) Notwithstanding the submitted details, 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;
- 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. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

11) 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.

12) The development shall be carried out in accordance with the levels details as shown on drawing no. 5357-45 'Flood Volumes Site Plans and drawing no. 5357-41 Rev B 'Surface Water Drainage Strategy Plan'.

Reason: In the interests of surrounding amenity and 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.

13) Prior to occupation of the development hereby permitted, a scheme for the provision of 8 electric vehicle charging points on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted.

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 NPPF.

14) Before any above ground works commence, full details of the surface water drainage scheme for the site, based on the approved Flood risk assessment and surface water drainage strategy, ref. no. 5357 R003A FRA dated August 2019 prepared by BCAL 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 scheme shall include:

i) 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 (if required).

- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and other flow control devices.
- iv) Full details of the surface water drainage pump.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

15) No occupation 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.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- i) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- ii) A site plan including access points, maintenance access easements and outfalls.
- iii) Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- iv) Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development in the interests of flood prevention in accordance with the requirements of the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

16) No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood risk assessment and surface water drainage strategy, ref. no. 5357 R003A FRA dated August 2019 prepared by BCAL Consulting has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:

- i) Any departure from the agreed design is keeping with the approved principles
- ii) Any As-Built Drawings and accompanying photos
- iii) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- iv) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- v) Confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed surface water drainage system is satisfactory and in accordance with the approved details in the interests of flood prevention in accordance with the requirements of the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

17) The development shall be carried out in accordance with the submitted flood risk assessment (BCAL 5357 R003A FRA dated August 2019) and the following mitigation measures therein and retained throughout the lifetime of the development:

- Finished floor levels of the apartments within the Barker Building shall be set no lower than 65.770 metres above Ordnance Datum (AOD)
- Finished floor levels of the new apartment block shall be set no lower than 65.475 metres above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy.

18) Notwithstanding the submitted details, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

19) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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.

20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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.

21) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning authority. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants Policy BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

22) Prior to commencement of development (including demolition) a Bat Method Statement in accordance with the recommendations of Bat Survey Report – Emergence Survey, Automated Detector Survey and Culvert Inspect by Tim Moya Associates dated August 2019 (reference: 190612-ED-02) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: In the interests of the preservation of ecological interests in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy and the NPPF. This is a pre-commencement condition to ensure timely submission of details.

10 BACKGROUND PAPERS

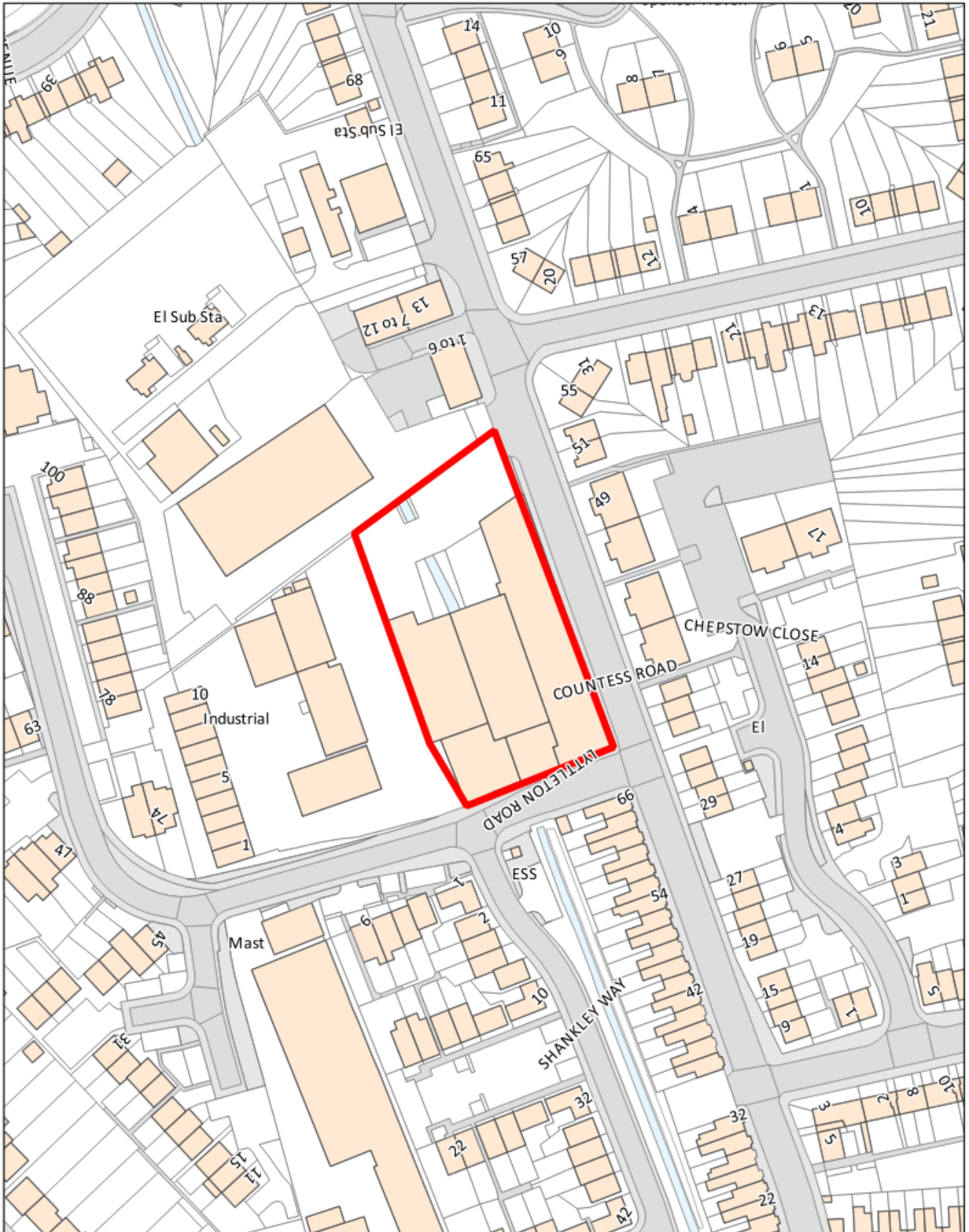
10.1 N/2019/0563.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Barker Buildings, Countess Road**

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Date: 11-09-2019

Scale: 1:1,250

Drawn by: -----