

<b>Case Officer:</b>	Maria Philpott		
<b>Applicant:</b>	Clayson Country Homes		
<b>Proposal:</b>	Conversion of existing buildings to residential development of 15no. dwellings.		
<b>Ward:</b>	Towcester Mill		
<b>Councillors:</b>	Cllr Chris Lofts & Cllr Catharine Tarbun		
<b>Reason for Referral:</b>	Major development		
<b>Expiry Date:</b>	11 December 2020	<b>Committee Date:</b>	3 December 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Conversion of existing buildings to residential development consisting of 15 one-bedroomed flats. These are to be provided over three floors, with seven flats on the ground floor, seven on the first floor and one on the second floor. Five flats will be provided in the front section of the building fronting Watling Street and 10 flats will be provided in the rear projection of the building.

The development includes the creation of a small extension at first floor level at the end of the rear projection and some small areas of demolition.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Towcester Town Council, NCC Highways, Towcester History Society

The following consultees have raised **no objections** to the application:

- NCC Archaeology, Highways England, SNC Economic Development, SNC Heritage, NCC Lead Local Flood Authority, SNC Environmental Health, Anglian Water

The following consultees have made **comments** on the application:

- SNC Strategic Housing, SNC Planning Policy, NHS CCG, NCC External Funding, Police Crime Prevention Design Advisor, SNC Building Control

Final comments are **awaited** from:

- SNC Ecology

**8** letters of **objection** have been received with **2** of these **continuing to object** following the amended plans submission.

#### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development (including loss of commercial/community uses);
- Highways and Parking;
- Design and Impact on the Character of the Area;
- Residential Amenity;
- Crime Prevention;
- Heritage Impact;
- Ecology Impact;
- Drainage;
- Pollution (contamination, noise, air quality);
- Viability and S106 Contributions

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises a Grade II listed building (No. 154) and the neighbouring building (No. 152) and various outbuilding and additions, including a long rear projection to the rear of No. 152. The buildings date from the Georgian Period with Victorian additions. There is a courtyard area to the rear of No. 154. The buildings form part of a terrace of buildings fronting Watling Street in the centre of Towcester and within the conservation area.
- 1.2. Either side of the site the buildings are occupied as residential properties. No. 150 is also a Grade II listed building. To the rear of the site is the Council's short stay car park and the Masonic Hall and to the front of the site on the opposite side of Watling Street there are other residential and commercial properties.
- 1.3. The building has been used as a club with associated offices, function rooms and a 4-bedroom apartment. It has recently become vacant in 2018.

### **2. CONSTRAINTS**

- 2.1. The application site comprises the Grade II listed building, 154 Watling Street, is within the town centre boundary of Towcester and within the conservation area of Towcester and adjacent to other Grade II listed buildings. 152 Watling Street is identified as 'other significant building' within the Towcester Conservation Area Appraisal. The site lies in flood zone 1 (low risk of flooding) according to the EA Flood Map. Flood zone 2 extends in front of the site on Watling Street but does not encroach onto the application site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks the conversion of existing buildings to residential development consisting of 15 one-bedroomed flats. These are to be provided over three floors, with seven flats on the ground floor, seven on the first floor and one on

the second floor (latter in the listed building). Five flats will be provided in the front section of the buildings fronting Watling Street and 10 flats will be provided in the rear projection of the building.

- 3.2. The development includes the creation of a small extension at first floor level at the end of the rear projection (to create Flat 14). The recessed doorway to No. 152 will be brought forward and blocked up and provided with a new window. Various new fenestration will be inserted into the building at the rear providing openings for flats 3-7 and flats 10-14.
- 3.3. As part of the proposals, a single storey lean-to building leading to a single storey building with a pitched roof and positioned at right angles to the rear projection will be demolished.

#### Chronology of Amendments

- 3.4. Various amendments and additional information has been submitted on this application during the course of its consideration. Some have been submitted at the request of the Local Planning Authority, but others voluntarily by the applicant. For ease of reference, the amendments have been set out in the table below:

<b>Date</b>	<b>Amendment submitted</b>	<b>Consultation</b>
12 <sup>th</sup> Sept 2019	Resubmission of plans, some documents and application form to remove reference to car parking and access to the rear. Description of the proposal updated.	Further consultation was done with consultees on 13 <sup>th</sup> September. Neighbours had already been consulted on 11 <sup>th</sup> . These were not consulted again, however the updated documents were on the website from 12 <sup>th</sup> and 13 <sup>th</sup> September and a site notice was erected on 26 <sup>th</sup> September and Press Ad posted on 26 <sup>th</sup> September covering the amended documentation and description.
25 <sup>th</sup> Sept 2019	Letter from Berry's submitted to support marketing	Re-consultation with Economic Development on 25 <sup>th</sup> September 2019
7 <sup>th</sup> Oct 2019	Resubmission of documentation to refer to the site as 152-154 Watling Street	None necessary, for information only
28 <sup>th</sup> Nov 2019	Full set of amended documentation submitted to address the Local Planning Authorities concerns, including Viability Appraisal	All consultees re-consulted on 20 <sup>th</sup> December 2019. All neighbours/objectors were done on 30 <sup>th</sup> January 2020. A new Press Ad was done on 9 <sup>th</sup> January 2020 and a new site notice erected on 28 <sup>th</sup> January 2020.
11 <sup>th</sup> Dec 2019	Ecology survey	Re-consulted with SNC Ecology on 29 <sup>th</sup> January 2020
28 <sup>th</sup> Feb	Anglian Water Pre-Planning Report Submitted	Reconsulted with NCC LLFA on 18 <sup>th</sup> November 2020

2020		
12 <sup>th</sup> June 2020	Ecology Survey (amended)  Ground and second floor plans and elevations amended to address Heritage concerns  Parking Statement submitted	Re-consulted with SNC Ecology and SNC Heritage on 18 <sup>th</sup> June 2020.  Re-consulted with NCC Highways on 8 <sup>th</sup> July 2020.
24 <sup>th</sup> June 2020	Viability version 2 submitted (confidential)	Re-consulted with Strategic Housing on 8 <sup>th</sup> July 2020.
24 <sup>th</sup> July 2020	Revised elevation submitted with note on drawing to clarify roof to be replaced with new slate tiles	No re-consultation or re-notification required. Minor change.
2 <sup>nd</sup> and 5 <sup>th</sup> October 2020	Further viability information submitted as requested by Strategic Housing	Strategic Housing re-consulted on 13 <sup>th</sup> October 2020

3.5. Timescales for Delivery: The applicant has advised that, in the event that planning permission is granted, they anticipate development commencing in the first quarter of 2021 with the first houses being occupied by late summer/early autumn 2022. The works are expected to take approximately 16 months to complete.

#### 4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
S/1975/1319/P	Extension of existing toilets and bar store	Approved
S/1985/0739/P & S/1985/0740/LB	Use of ground floor flat as extension to club and erection of ground floor passageway and partition	Approved
S/2000/1121/A	Externally illuminated projecting sign	Approved
S/2005/0488/P	Timber clad existing single storey pre-fabricated concrete building at rear	Approved

Neighbouring site:

On one of the adjacent sites at No. 158 Watling Street, permission has recently been granted for the refurbishment of The Olde Wheatsheaf under S/2020/0429/FUL and S/2020/0430/LBC. This is relevant to the Residential Amenity Section in the Appraisal.

## 5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

## 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **20<sup>th</sup> February 2020** (following receipt of the amended plans) although comments received after this date and before finalising this report have also been taken into account.

### Comments made in respect of the original plans

6.2. **8 objections** have been received by third parties and are summarised as follows:

- Insufficient/no car parking;
- Roadside parking on Watling Street will adversely affect the amenity of surrounding properties;
- Any access to rear car parking would impact on the availability of parking in the short stay car park;
- The short stay car park cannot be used by residents as it has a 3 hour limit;
- The masonic hall have agreement to use 20 spaces after 5pm each day in the short stay car park;
- The long stay car park is not 24hrs;
- Roadside parking on Watling Street is already taken by existing residents;
- Already traffic congestion;
- Insufficient bus services in Towcester;
- Lack of marketing for change of use from commercial to residential;
- Lack of amenity space;
- Overdevelopment;
- Overlooking to Crown House (No. 150) from windows and Juliet balconies;
- Could a resident's permit scheme be considered or allocated resident's parking?:
- No regard to the surrounding conservation area and listed buildings;
- Assumed right of access across the Council car park [Officer comment - this was removed from the proposals early in the consideration of the application];
- A party wall agreement is required between the proposal and the Masonic Hall as well as legal right of use of underground sewer and access to maintain air conditioning units [Officer comment – these issues are not material planning

considerations and would have to be arranged separately between the applicant and the Masonic Hall as required];

Comments made in respect of the amended submission dated 20<sup>th</sup> December 2019

6.3. **2 objections** have been received by third parties and are summarised as follows:

- Lack of car parking – parking in the town is extremely congested;
- Request for resident's car parking permits;
- Transport links are insufficient to warrant no car parking provision;
- No provision for refuse/recycling storage and no right of access across car park to facilitate use ;
- No unrestricted parking available locally;
- Moat Lane developments approved without car parking should not be used as a precedent;
- No attempt made to reduce the overdevelopment concerns;
- Insufficient marketing and lapse of time to demonstrate change of use;

6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. Following the voluntary submission of amended information by the applicant on 12<sup>th</sup> September 2019 to remove reference to the proposed car parking and access to the site from the rear, all consultees were reconsulted again on 13<sup>th</sup> September (only 2 days after their initial consultation on 11<sup>th</sup> September), therefore for some of the following responses a second response has been received, but it is essentially part of the first consultation.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.3. TOWCESTER TOWN COUNCIL: **Objects** due to the lack of car parking provision which will inevitably result in occupiers parking in public spaces within the town centre which are already insufficient in numbers and exacerbating the issue with on-street parking. One car parking space should be provided per unit.

The proposal is an over-intensification of the site with the footprint filling the entire site and making no allowance for amenity space.

The Conservative Club is a sensitive building within the conservation area and squeezing 15 No. 1-bedroom apartments is unacceptable. The proposal should consider a mix of 1 and 2 bedroom apartments with parking.

Supports the objections regarding overlooking to neighbouring dwellings.

## CONSULTEES

7.4. NCC HIGHWAYS: **Objects** as a minimum of 15 car parking spaces are required and zero are to be provided. The car parking adjacent to the site is a short stay facility that will not benefit the proposed residents who will then have to find alternative parking provision in an already saturated area.

7.5. HIGHWAYS ENGLAND: **No objection.**

7.6. TOWCESTER LOCAL HISTORY SOCIETY: [First response] **Objects.** There is significant archaeology present in the immediate area therefore recommends consultation with Archaeology. Insufficient car parking leading to on-road parking in the conservation area affecting enjoyment of the town within the conservation area. This is an overdevelopment and should be refused due to the impact the additional on-road parking would have within the conservation area.

[Second response] **Objects.** Welcomes that both buildings are to be found a use. No. 152 contains some early features, possibly 18<sup>th</sup> century, and was a farmhouse belonging to the Easton Neston estate. The hall was created in the 1880s. Number of units appears to be high in the conservation area and lack of on-site parking is a concern. A capacity study should be made of the total capacity of public car parking and overnight usage. Due to the site's location in the historic centre there is a high chance of encountering archaeological deposits therefore recommends consultation with the County Archaeologist.

7.7. NCC ARCHAEOLOGY: **No objection.** The site is within the Roman and medieval towns and has the potential to contain remains relating to these phases as well as to the previous uses of the buildings, albeit truncated by more recent activity. Any groundworks in relation to the proposals could therefore have an impact on these remains. This potential can be addressed by the use of a condition for a programme of archaeological works. Evidence for the development and use of the buildings will be altered, concealed or lost during conversion. The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for a programme of archaeological work as per NPPF paragraph 199 to any permission granted in respect of this application.

7.8. NCC EXTERNAL FUNDING: [First Response] **Comments.**

No contributions sought for education (Early Year, Primary or Secondary) due to the minimal number of pupils likely to be present from this development.

Fire hydrant x 1 expected to be required.

A libraries contribution of **£1,635** is required to contribute towards improvement and enhancement of library facilities.

Broadband connections should be provided (information to be passed onto the applicant by informative notes on any approval)

[Second Response] No further comments to make.

7.9. NORTHANTS POLICE CRIME PREVENTION DESIGN ADVISER: [First Response] **Comments.** Concerns regarding the passageway at ground floor level as there is no mention of how this passage is expected to be used and the provision of back

doors suggests it may be used as a means of entry for residents. A means of access control will be required if this is to be the case. Without it the apartments will be very vulnerable to burglary.

The lack of parking provision for the development is of concern as it means that residents will have to park their vehicles away from where they live and an parking will not be under surveillance increasing the potential for car crime.

Further details required for secure cycle parking and storage.

All new doors and windows at ground floor level shall comply with ADQ of Building Regulations and be 3<sup>rd</sup> party accredited. [Officer comment: This can be imposed as informatives on any approval]

[Second Response] Further to previous comments if it is the intention to block off the rear alleyway into parcels of private space per tenant details of that should be conditioned to consider the type and height of enclosure.

7.10. SNC BUILDING CONTROL: **Comments.** Means of escape from flats and access for the fire service shall be in accordance with Approved Document B Volume 1 Sections 3 and B5 respectively. Inner rooms are not permitted on flats with a floor level more than 4.5m above ground level. Windows on the shared balcony access are to have a 30min fire rating and are to have no openable lights.

7.11. SNC ECONOMIC DEVELOPMENT: [First Response] **Cannot support** the proposal as it would result in the loss of commercial/employment space and for which the applicant has not undertaken the required marketing exercise in accordance with the Council's requirements.

[Officer comment - Following the receipt of these comments a further letter was submitted by the applicant from Berry's to support the change of use dated 25<sup>th</sup> September 2019.]

[Second Response] **Cannot support.** The further letter from Berry's does not meet the minimum marketing exercise requirements. The site should be marketed for a minimum of 12 months, valuations with 3 reputable commercial agents, a marketing strategy and a detailed record of viewings, feedback and any offers made.

7.12. SNC PLANNING POLICY: **Comments.** The development lies within the town confines of Towcester where the relevant policies of the Development Plan support the provision of new homes. However, the proposal will result in the loss of a primarily commercial property and therefore represents an unjustified loss of a commercial employment generating use which is resisted by saved policy E4 of the Local Plan, policy E1 of the JCS and Policy EMP2 of the Emerging Local Plan part 2. Without a full justification for such a loss, in accordance with the requirements of these policies, the principle of the scheme would be contrary to current and emerging policy.

7.13. SNC HERITAGE: **Object.** Some of the internal partitions will not cause harm and the removal and reinstatement of some elements (such as the front entrance) will enhance the significance of the listed building.

7.14. Other aspects of the proposal will cause harm to the listed building and require clear and convincing justification in accordance with the NPPF to balance the harm against the public benefit. The aspects considered to be unacceptable or requiring further justification are:

- The removal of a large section of original rear outer wall;
- The repositioning of a door from the shared lobby to the first floor;
- Loss of layout on the first floor in the area of the current bathroom;
- Removal of stair in the rear lean-to;
- Clarification regarding the retention of the bedroom fireplace;
- The stair to the second floor is very steep and narrow and need to clarify if will accord with Building Regs.;
- The installation of 3 rooflights to the principle front elevation;
- The insertion of a new rear dormer window;
- The replacement of all the windows in the listed building with double glazed units including the sash windows at the front which are in good condition and retain their original shutters;

7.15. A less intense use or alternative use may cause less harm. Should the current proposals progress more information is required as to how the sound and fire insulation will be installed between units within the listed buildings as this work also has potential to cause harm to the building.

7.16. NCC LEAD LOCAL FLOOD AUTHORITY: **Insufficient information** submitted to comment on the acceptability of the proposed surface water drainage scheme. A Drainage Strategy/FRA is required due to the proposal being major development.

7.17. ANGLIAN WATER: **Comments**. Informatives and conditions recommended. There will be capacity for foul drainage and waste water. In respect of surface water, no evidence has been provided to show that the surface water hierarchy has been following as stipulated in Building Regulations Part H. Therefore request a condition is imposed for the submission of a Surface Water Management Strategy.

7.18. SNC ECOLOGY: **Objects** due to the lack of submission of a Preliminary Ecological Assessment.

7.19. SNC ENVIRONMENTAL HEALTH: **No objection** subject to conditions relating to air quality, unexpected contamination, submission of a noise assessment and working hours during construction as well as an informative relating to construction sites.

7.20. NORTHANTS FIRE AND RESCUE: No comments received.

7.21. NORTHANTS AND BEDS WILDLIFE TRUST: No comments received.

7.22. THE ENVIRONMENT AGENCY: No comments received.

7.23. THE NATIONAL TRUST: No comments received.

7.24. SNC PROPERTY SERVICES: No comments received.

7.25. NORTHANTS NHS CCG: No comments received.

FOLLOWING SECOND ROUND OF CONSULTATION FOLLOWING AMENDMENT SUBMISSION DATED 20<sup>TH</sup> DECEMBER 2019.

- 7.26. TOWCESTER TOWN COUNCIL: **Objects.** Reiterates strong objection to this application.
- 7.27. NCC HIGHWAYS: **Objects.** Reiterates previous comments regarding lack of parking and parking congestion in the area.
- 7.28. SNC BUILDING CONTROL: **No objection.** Fire Risk Assessment required. Fire Brigade Access required. All surface water to soakaway. Flood Risk Assessment required. [Officer comment: All can be imposed as informatives on any approval as these aspects will be covered under Building Regulations]
- 7.29. SNC PLANNING POLICY: **No comments** to make.
- 7.30. SNC ENVIRONMENTAL HEALTH: **No further comments.** Previous comments and conditions recommended still apply.
- 7.31. SNC ECOLOGY: **Objection.** Unable to comment as the Ecology Survey and other surveys and data have not yet been provided. [Officer comment - Previous objection still stands until this information is submitted].
- 7.32. SNC HERITAGE: **Comments.** The amendments do not appear to have addressed the previous objections. Therefore reiterates previous concerns.
- 7.33. SNC STRATEGIC HOUSING: **Comments.** Request further information on the Viability Assessment prior to being able to reach an informed view. This includes independent valuations, quotes for works and further clarity on items relating to costs, contingency and roof replacement justification.
- 7.34. SNC ECONOMIC DEVELOPMENT: **No objection.** Having reviewed the additional information from Berry's dated 26<sup>th</sup> November 2019, feel there is enough evidence of the "comprehensive marketing campaign" and happy that sufficient marketing of the site for employment use has been carried out.
- 7.35. NCC EXTERNAL FUNDING: **No further comments.** Previous comments and request for contributions still apply.
- 7.36. NCC ARCHAEOLOGY: **No further comments.** Previous comments and conditions recommended still apply.
- 7.37. NCC LEAD LOCAL FLOOD AUTHORITY: **Still insufficient information** available to comment. The surface water drainage information fails to include permission from Anglian Water (Pre-Planning Application Report).
- 7.38. ANGLIAN WATER: **No objections** to surface water connection as set out in the FRA and Drainage Strategy. Reiterated previous comments relating to foul and waste water and assets.
- 7.39. TOWCESTER LOCAL HISTORY SOCIETY: **Objects.** Previous comments relating to lack of parking and impact on archaeology remain valid.
- 7.40. NORTHANTS POLICE CRIME PREVENTION DESIGN ADVISOR: **Comments.** Close board fencing to prevent access along the walkway has been shown. This should be replaced with a stone wall for durability and provide details of what the structures are that separate each unit along this rear walkway.

Lack of parking is still a concern and the assertion by the applicant that persons in 1-bed flats will not have cars is difficult to substantiate as there is evidence that young, single people own cars and want the freedom whether they live in a market

town or not. Providing no car parking requires cars to be parked at a distance and away from the capable guardianship of the owner and therefore more vulnerable to crime. Some parking should be provided.

To reduce opportunities for burglary, the communal access door should be set slightly back from the building line to create a small recess within which the letter boxes for the units can be erected. The door should be controlled via an audio visual system with no trades buttons or electronic door release.

All new window and doors should comply with British Standard PAS24:2016. *[Officer comment: This can be imposed as an informative on any approval].*

- 7.41. NORTHANTS NHS CCG: **Comments.** There will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand from this development. Therefore request a financial contribution of **£7,626.07** which is based on the potential increase in patient population of 36 persons (based on average households of 2.43).

FOLLOWING SUBMISSION OF THE ECOLOGY SURVEY ON 11<sup>TH</sup> DECEMBER (NOT UPLOADED UNTIL 28<sup>TH</sup> JANUARY 2020)

- 7.42. SNC ECOLOGY: **No formal comments** received.

*[Officer comment: No comments were received because the Council's Ecologist undertook some informal discussions with the applicant's Ecologist to clarify whether work is proposed to be undertaken to the roof space of the north-eastern section of the property where evidence suggests it is likely to be a maternity roost. There was some confusion in the impact assessment and the recommendations in the report and the proposed plans. This discussion resulted in the submission of a further Ecology survey on 12<sup>th</sup> June 2020 (see Para. 7.46 below).*

FOLLOWING SUBMISSION OF ANGLIAN WATER PRE-PLANNING REPORT ON 28<sup>TH</sup> FEBRUARY 2020

- 7.43. LEAD LOCAL FLOOD AUTHORITY: **No objection.** The surface water drainage impact has been adequately assessed at this stage. Conditions are recommended for a full Surface Water Drainage Scheme to be submitted and a Verification Report to be supplied.

FOLLOWING SUBMISSION OF AMENDED PLANS TO ADDRESS THE HERITAGE IMPACT AND THE SUBMISSION OF THE ECOLOGY SURVEY ON 12<sup>TH</sup> JUNE 2020

- 7.44. SNC ECOLOGY: **No comments received** at the time of writing the report. An update is expected to be provided to Members at the Committee.

- 7.45. SNC HERITAGE: **Comments.** Pleased to see the retention of the sash windows, the reinstatement of the wall and the removal of the 3 additional rooflights. The single door opening to the rear to access the lean-to element is considered acceptable. Only other concern related to the ability to access the second floor, however provided this can be achieved without alteration, then no further comments to make.

FOLLOWING THE SUBMISSION OF A PARKING STATEMENT ON 12<sup>TH</sup> JUNE 2020

- 7.46. NCC HIGHWAYS: **Objects.** Reiterates previous objection. The Parking Statement assumes that residents will be unlikely to own a vehicle or wish to purchase a property with no parking facilities. Unfortunately this may not be the case and residents will find parking spaces in the surrounding area adding to the existing parking issues.

FOLLOWING SUBMISSION OF VIABILITY VERSION 2 REPORT ON 24<sup>TH</sup> JUNE 2020

- 7.47. SNC STRATEGIC HOUSING: **Further information required.** An existing use valuation is required as well as further quotes for additional works (only one quote has been provided).

FOLLOWING SUBMISSION OF FURTHER VIABILITY INFORMATION ON 2<sup>ND</sup> AND 5<sup>TH</sup> OCTOBER 2020

- 7.48. SNC STRATEGIC HOUSING: **Comments.** The Viability Appraisal has been assessed in detail and it is concluded that the residual land value is lower than the existing use value and therefore there is no scope in the scheme to provide any contributions, including affordable housing.

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, and the recently adopted South Northamptonshire Local Plan (Part 2). The relevant planning policies of South Northamptonshire's statutory Development Plan are set out below:

### WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S2 – Hierarchy of Centres
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C2 – New Developments
- RC2 – Community Needs
- H1 – Housing Density, Mix and Type of Dwellings
- H2 – Affordable Housing
- H4 – Sustainable Housing
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- BN7 – Floodrisk
- BN9 – Planning and Pollution Control
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- T1 – Spatial Strategy for Towcester
- T2 – The Town Centre and Moat Lane Regeneration Area

## SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

- SS1 – Settlement Hierarchy
- SS2 – General Development and Design Principles
- LH1 – Residential Development Inside and Outside Settlement Confines
- LH8 – Affordable Housing
- LH10 – Housing Mix and Type
- EMP2 – Existing Commercial Sites
- RET1 – Brackley and Towcester Town Centres
- SDP2 – Health facilities and Wellbeing
- INF1 – Infrastructure Delivery and Funding
- INF2 – Community Facilities
- INF3 – Education Facilities
- HE1 – Significance of Heritage Assets
- HE2 – Scheduled Ancient Monuments and Archaeology
- HE5 – Listed Buildings
- HE6 – Conservation Areas
- NE5 – Biodiversity and Geodiversity

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Towcester Conservation Area Appraisal 2012
- SNC Design Guide
- Developer Contributions SPD 2011
- Parking SPD 2018
- Air Quality SPD 2019
- Planning out Crime SPG 2003
- Towcester Masterplan 2011
- SNC Corporate Priorities - to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”.

## **9. APPRAISAL**

### 9.1. The key issues for consideration in this case are:

- Principle of development (including loss of commercial/community use);
- Highways and Parking;
- Design, and impact on the character of the area;
- Heritage impact;
- Residential amenity;
- Ecology impact;
- Crime Prevention;
- Drainage;

- Pollution (contamination, noise and air quality);
- Viability and S106 contributions

### Principle of Development

#### *Policy Context*

- 9.2. Policies SA, S1, S2, S3, RC2, T1 and T2 of the West Northants Joint Core Strategy (JCS) are relevant which discuss the principle of residential development in this location.
- 9.3. Policies SS1, LH1, LH10, EMP2 and RET1 of the Local Plan Part 2 (LPP2) are relevant which discuss the principle of residential development in this location and also the change of use from commercial.
- 9.4. In addition the NPPF and the Towcester Masterplan are also material considerations.

#### *Assessment:*

- 9.5. This proposal needs to consider the principle of change of use together with the loss of the site as a commercial/community facility. Consideration of whether the proposal comprises an overdevelopment has also been considered.

#### *Change of Use to Residential*

- 9.6. Within the JCS, policy SA seeks to approve development which is sustainable and development that improves economic, social and environmental conditions in the area. Under policy S2, Towcester is considered to be a Rural Service Town Centre in West Northants and therefore a sustainable location for new development, particularly housing where residents have access to a range of services and facilities. This is the third tier of centres after Northampton and Daventry and the JCS makes it clear that new development should be directed to these town centre locations which ensures the vitality and viability of these centres is maintained and enhanced. Policy S1 c) states that the needs of the rural service centres of Towcester will be provided for and that priority will be given to making best use of previously developed land and vacant and under-used buildings to achieve a West Northamptonshire target of 30% additional dwellings on previously developed land or through conversions. This is highly relevant in this case, as the proposal is for conversion of existing, redundant and under-utilised buildings. Chapter 11 of the NPPF also requires substantial weight to be given to the value of using suitable brownfield sites to make efficient use of land. Policy S3 sets out that about 2,650 new dwellings are to be provided in Towcester town centre during the plan period from 2011-2029 and this development will contribute to this provision.
- 9.7. Policy T1 a) of the JCS promotes housing development in the existing urban area. The site is also within the Town Centre and Moat Lane Regeneration Area (Figure 5 of the JCS) and therefore policy T2 is also relevant which seeks mixed use development incorporating the regeneration of brownfield land. Again, as set out above, this proposal will regenerate this site in a highly prominent location in the town centre and contribute to the achievements of the Moat Lane Regeneration area.
- 9.8. Whilst this site is not on the Brownfield Land Register held by the Council, it is immediately adjacent to BFL4 Moat Lane (a site that is specified on the register) and it will therefore contribute to enhancing the wider Moat Lane Regeneration area of which it is included under Policy T2 of the JCS.

- 9.9. As part of the LPP2, policy SS1 echoes the settlement hierarchy set out in the JCS with development to be concentrated in the Rural Service Centre of Towcester in addition to Brackley as the other Rural Service Centre in the District. This site is clearly within the town confines of Towcester and therefore is acceptable under policy LH1. Whilst all the units proposed are 1-bedroomed, this is appropriate in a town centre location and will provide much needed smaller units in the District and therefore also complies with policy LH10.
- 9.10. Within the Local Plan Part 2, this site is within the boundary of the Town Centre (shown on Inset Map 76A) and policy RET1 is relevant which permits redevelopment proposals and changes of use that are appropriate in terms of scale, type and design. The site is not within the primary shopping frontage (therefore policy RET2 is not applicable). The remainder of the town centre area is defined as a "Secondary Area" where it is accepted that a mix of other uses aside from the traditional retail uses will be acceptable. Para. 6.2.6 of the LLP2 specifically considers that residential accommodation in town centres is a sustainable form of development and will support the vitality and viability of town centres.

*Loss of commercial/community uses*

- 9.11. Policy LH1 and specifically policy EMP2 of the LLP2 requires careful consideration of the loss of commercial/employment uses and they should only be permitted where they can demonstrate that there are valid reasons why the site is not commercially viable, including that the site has been marketed and has been vacant in the long term, or that the proposal can demonstrate that there are valid reasons why the retention of the site for employment/commercial uses is not compatible with and would have an unacceptable long-term impact on the surrounding area and its residents.
- 9.12. In this case, the proposal has been supported by further marketing information from Berry's dated 26<sup>th</sup> November 2019 which advises that the site had been openly marketed from 15<sup>th</sup> February 2019 on a joint agency basis. A comprehensive marketing campaign was undertaken which included bespoke marketing particulars distributed to company-wide contacts, clients, developers, operators and investors. Marketing boards and advertisements were placed on the building and the marketing campaign carried out on a local, regional and national basis targeting parties that would also seek to retain the existing use as well redevelop the site. 19 viewings were undertaken with approximately 50% seeking to retain the existing use and 50% seeking to convert or partially redevelop.
- 9.13. The feedback from viewings were as follows:
- The property has an unorthodox layout, highly undesirable for a commercial business with considerable expensive incurred to reconfigure and the return on investment was low and the risk considerable;
  - Repairs required for it to retain existing use;
  - The property being listed and in a conservation area creates risk and uncertainty for a buyer;
  - The property has a "hard frontage" to Watling Street which is highly unattractive to most leisure and commercial operators;
  - The property is in a tertiary position in the town where there would be a poor level of footfall.

- 9.14. As a result, Berry's advises that no serious offers were made from any parties wishing to retain the existing use or to use it for a commercial operation. Most interest was from residential developers and builders wishing to convert the building to residential. An unconditional offer was ultimately accepted. Berry's advises that a 12 month marketing campaign was not possible, practical or desirable as this would render the building empty for in excess of this period with the property deteriorating further and empty business rates would become payable. Berry's considers that the fact that the previous occupier was unable to continue a commercial operation from the building is indicative that the property is no longer fit for purpose and alternative uses should be considered.
- 9.15. The Council's Economic Development Officer has considered this statement from Berry's and now considers that a sufficient marketing exercise has been carried out of the site for employment purposes.
- 9.16. Officers consider that whilst the site has been used commercially in the past, it is difficult to see what viable use it could be put to. The site has been vacant for some time and is in need of significant repair and improvements even if to bring it back into a commercial use. It is a very large building set a little out of the primary retail area where footfall is less and therefore finding a suitable reuse for the building for employment, commercial or leisure purposes is likely to be difficult.
- 9.17. It should also be remembered that the parts of the site which front Watling Street (including the listed building) have previously been in residential use. It is often most appropriate when considering changes of use, particularly of listed buildings, to refer back to an original or former use which will be most sensitive to the buildings.
- 9.18. Officers consider that whilst a full marketing exercise has not been carried out, Para. 5.3.3 states that a concerted marketing exercise should be agreed in writing with the Council in cases where further evidence is required. In this case, the information supplied by Berry's, together with officers own concerns regarding the potential reuse of the building and the benefits of redeveloping the site and bringing it back into use, result in officers considering that further evidence beyond that already supplied is not required. The benefits of bringing this brownfield site back into use and enhancing the wider regeneration area are considered to be valid reasons for permitting a change of use away from commercial. There is otherwise the real prospect of the site remaining under-utilised and in poor condition for the foreseeable future which would not be compatible with the Council's objectives to regenerate the town centre as set out in the Towcester Masterplan.
- 9.19. Furthermore, in terms of the loss of the commercial/employment facility, it is understood that the site has been vacant since 2018 therefore its loss through change of use will not result in any sudden change in opportunities in the town. There are also considered to be many other employment, commercial and leisure opportunities in the town centre that the loss of this site will not be harmful to the community of Towcester or its vitality or viability. It is also understood that the club and leisure uses were run by members and volunteers therefore the site did not generate any jobs for the local area. However, this does not necessarily preclude a new use that could generate jobs, but for the reasons set out in the preceding paragraphs, this is considered to be unlikely.
- 9.20. The above approach is also reflected in policy RC2 of the JCS which states that whilst loss of community facilities will be resisted, this will be unless it can be demonstrated that the proposal will bring about community benefits that outweigh the loss of the facility and that the space is little used. The regeneration of Moat Lane has brought with it a significant increase in employment and commercial opportunities in the town centre over the last few years with the retail units along

Whittons Lane and The Forum, with more to come with the basket store currently under development on the corner of Northampton Road and Watling Street. Therefore when looking holistically at the changes in use and redevelopment that has occurred in this part of the town centre over the last few years, the loss of this site for commercial is vastly outweighed by the new commercial/employment/community facilities that have been provided in this part of the town centre and this proposal continues this shift in land uses in the area.

### *Overdevelopment*

- 9.21. Concerns have been raised that the proposal represents an overdevelopment of the site and officers were initially of a similar mind due to the potential resulting impacts to the listed building, residential amenity, car parking and design. However, as will be discussed below, if those impacts can be addressed or justified, then the actual conversion is not considered to be an overdevelopment in itself. The accommodation can comfortably fit within the fabric of the existing buildings with minimal extensions. There is to be 10 units in the rear section (five on each floor) and 5 units in the buildings fronting Watling Street. The 10 units at the rear each provide double bedrooms with an en-suite *and* additional cloakroom and reasonable size kitchen/living space that will give a good standard of living accommodation to occupants. The five units in the main buildings at the front of the site provide spacious double bedrooms and good sized kitchen/living space with two of these units providing baths as well as showers and dressing areas. The accommodation is divided up naturally by reopening the central passageway from Watling Street (which would have historically divided these dwellings) as access. Whilst the dwellings do not have any private amenity space (except for small rear areas for Flats 1 and 3-7), this is not unusual for flats and there is plenty of opportunities for outdoor space in the courtyard and in the immediate town centre at Bury Mount and the Water Meadows.
- 9.22. Officers therefore contend that an argument on overdevelopment grounds, for the reasons set out above and those explained in the rest of this report would be difficult to substantiate and defend.

### *Conclusion*

- 9.23. The proposal is considered to be a sustainable location for new residential development in accordance with policies SA, S1, S2 and S3 of the JCS and policies SS1 and LH1 of the LLP2. It also seeks to make best use of brownfield land in accordance with the NPPF and will bring a redundant site back into use which will enhance the regeneration area of Moat Lane and the town centre in accordance with policy T1 and T2 of the JCS and policy RET1 of the LPP2. The development will provide much needed smaller accommodation options to the District in accordance with policy LH1 and LH10 of the LPP2. There is not considered to be a conflict with policy EMP2 or LH1 regarding the loss of a commercial site as this loss is considered to have been adequately justified and it is not considered that its loss will harm the vitality and viability of the town centre.

### Highways and Parking

- 9.24. The proposal being considered does not intend to provide any car parking as there is no means of access to the rear of the site. The proposal is for 15 x 1-bedroom units. Resident's and consultee's views in respect of the lack of car parking are noted and understood. Officers too have some reservations regarding the lack of car parking and the pressure it will put on car parking locally. Some level of car parking would be preferable.

- 9.25. However, none is able to be provided and officers have to consider the proposal on its merits and whether this issue is significant enough to justify refusal of the planning application and its likely success at appeal. The dwellings will be located right in the heart of the town centre, where residents would have access to shops, leisure and also the potential for employment opportunities. All of these would be within walking or cycling distance. Planning policies in the NPPF, JCS and LPP2 support development in town centre locations and it is not always possible to provide this with car parking due to the density of the area. It is commonplace for 1-bed apartments to be provided in these urban/built up locations without car parking. If it were possible to provide some level of car parking it would be preferable, however where none is provided, it does not automatically result in a reason for refusal.
- 9.26. Officers also consider that with the units all being 1-bed dwellings there is an increased chance that occupants will not have a car. It is accepted that many young people and couples do still own a car, but the likelihood for car ownership would be greater if the units were 2-bed plus and have the potential to house families.
- 9.27. Public transport is available to all major towns locally including Northampton, Milton Keynes and Brackley from Towcester which will widen opportunities for accessibility to employment, services and facilities. Cycle parking provision will also be provided within the development (to be conditioned) to encourage use of cycling as a sustainable form of transport.
- 9.28. The Council's SPD on Parking (2018) recommends 1-3 bedroom units to have 2 car parking spaces but it is recognised that where on-site car parking cannot be provided that informal on-street car parking may be acceptable where this does not impact on highway safety or traffic flow. This is generally in relation to small "in-fill" developments but the SPD does not mention what the approach should be in town centre locations. In this regard, we know from the NPPF (Chapter 9) Para.'s 102, 105, 106 and 108 that development should encourage sustainable modes of transport and in this respect, providing new development without car parking will encourage ownership by occupants who do not need to rely on a private car and are able and willing to utilise public transport opportunities and walking and cycling. As set out in Para. 109 of the NPPF, development should only be refused if the proposal would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 9.29. In this case officers consider it is difficult to argue a case that the proposal would result in an unacceptable impact on highway safety as any use of public car parks or on-street parking would be utilising existing highway arrangements. If any occupants do use a car, then it would have some cumulative impacts on the road network but it is not considered that this could be considered "severe" as set out in the NPPF resulting from 15 No. 1-bed units. Towcester is fortunate to have several public car parks, including the long and short stays on Northampton Road and the car park on Richmond Road together with unrestricted on-street car parking on Brackley Road, Watling Street and other parts of the town.
- 9.30. According to the Council's website, all of the public car parks are 24hrs and free of charge. The only restrictions in places is in the short stay car park immediately behind the site and the most likely to be utilised by residents. This car park is limited to a 3-hour restriction (no return in 3hrs) implemented between the hours of 8am-6pm. If necessary, this would permit residents to park in that car park from 3pm through to 11am the following day. Another option would be for residents to park in the long stay car park on Northampton Road which is also 24hrs and has plenty of capacity. Further options would be for residents to utilise the on-street parking in the town centre. Whilst it is accepted that these parking arrangements

are not ideal, these options are available if required and it is still possible that future occupants will not own a car or will be out during the day so only require parking during evenings and weekends. Overall, it is therefore considered that there will be adequate parking in the town centre to serve the needs of this development without causing severe impacts to the road network.

- 9.31. On this basis the proposal is considered to be acceptable and accords with policy C2 of the JCS, policy SS2 of the LPP2 and the NPPF.

#### Design and Impact on the Character of the Area

- 9.32. Policy SS2 of the LPP2 requires developments to carefully consider the design of proposed developments, particularly ensuring that developments are compatible with their surroundings and maintain local distinctiveness as well as providing suitable lighting and landscaping. These objectives are reinforced in the Council's adopted Design Guide.
- 9.33. In this case, the conversion of the existing buildings is considered it will enhance the character of the area by bringing this redundant site back into use. The changes to the front elevation facing Watling Street will enhance the appearance of the buildings adjacent to the road frontage by reinstating the flush entrance. Otherwise the front of the development will remain the same but its condition significantly improved as part of the proposals.
- 9.34. To the rear, significant new fenestration is proposed to the rear projection of number 152 and the inclusion of a first floor balcony walkway to the first floor flats. Whilst it would be preferable to retain and utilise existing openings in this section of the building, due to the number and positioning of the units, it would not be possible to achieve this as some windows would then appear different to others and would not be in the appropriate locations for the internal layout. The proposal to include all new window and door openings at this first floor level is therefore considered to be the most appropriate way to design this section of the site. Whilst the building is of historic fabric, it does not contain any particular elements of historic fabric that are worthy of retention in this location. There are many examples of Victorian buildings of this type that are better preserved or converted in other parts of the town, including on the Moat Lane Regeneration area itself. The loss of any existing openings is not considered to be detrimental to this particular building or adversely impact on the character and appearance of the area.
- 9.35. Officers had some reservations regarding the proposed first floor balcony walkway, however given this is located to the rear and will only be visible from a public car park, it is not considered that the walkway will impact on the character of the area or conservation area. In any case, it will be designed to be in keeping with the high quality development proposed at the site and will overall enhance the appearance of this site from its current appearance when viewed from the car park.
- 9.36. At the end of the existing rear projection it is intended to build an extension above the existing flat roof to provide Flat 14. This extension is considered to be acceptable and whilst it will result in the loss of further historic fabric, for the reasons referred to above, this is not considered to be significant.
- 9.37. A boundary plan has been submitted to show that the rear passageway will be closed off to address comments from crime prevention design advisor. It is currently shown to close this off using close boarded fencing, however given the location and part of the boundary close to the Masonic Hall being visible, it is considered that the boundary here should be constructed of a brick wall. A condition will be imposed to require further details of this to be submitted.

- 9.38. Conditions will be imposed in respect of refuse storage, lighting and landscaping of the inner courtyard. It is considered that there is plenty of space within the courtyard for the housing of refuse bins and the courtyard can be suitably designed to provide for the refuse storage, attractive landscaped areas as well as cycle parking provision.
- 9.39. The proposal is therefore considered to accord with policy SS2 of the LPP2 and the Council's Design Guide.

#### Residential Amenity

- 9.40. Policy SS2 of the LPP2 requires that proposed developments result in good standards of amenity for future occupiers and occupiers of neighbouring properties. Guidance on standards for residential amenity is also referred to in the SNC Design Guide.
- 9.41. The original plans submitted showed that there would be overlooking to No. 150 Watling Street from a number of proposed windows and Juliet balconies which would have been able to overlook directly into their rear garden area. The amended plans received in December 2019 now show the Juliet balconies removed and windows changed to high level windows and rooflights and obscure glazing to the bathrooms. Only Flat 10 is shown to continue to have windows in the side elevation serving the bedroom, however these windows will be facing a two storey addition on No. 150 and will not therefore be able to overlook directly. It is now considered that the proposal will not cause any significant adverse impact to the occupiers of No. 150 from overlooking.
- 9.42. Likewise, the proposal is not considered to cause any significant adverse impact to the occupiers of No. 156 or 158 to the other side of the site. No. 156 has a small curtilage and no windows or outside space is visible from the application site. There is currently a gap in the boundary between the application site and No. 158 (the curtilage of which extends to the rear of No. 156) which means that there would be the potential for some visibility from the raised walkway of the proposal serving the first floor flats and the living rooms of those flats into the curtilage of No. 158. However, the distance to the boundary is in excess of 12m and the distance to No. 158 in excess of 24m. The guidance in the Design Guide recommends distances of 11m to the boundary and 18m between properties where there are windows in each elevation therefore this proposal will be in excess of both of those measurements.
- 9.43. Furthermore, the area to be overlooked does not comprise any active residential amenity area but comprises a courtyard and access to some vacant buildings. Consent has recently been granted (see planning history) for the refurbishment of No. 158 and that includes the creation of some private amenity space directly to the rear of No. 158 to be screened by boundary fencing. Therefore the distance, coupled with the current use of the space and the intended boundary to be erected giving No. 158 some private amenity space, will result in minimal overlooking to No. 158 and minimal impact on their amenity from the first floor flats.
- 9.44. The extension proposed to the end of the rear projection will not cause any harm in terms of overshadowing or overbearing impact to the occupiers of No. 150 as there is already some landscaping in their garden in this location that will screen this part of the development and soften its appearance.
- 9.45. With regards to amenity for the proposed occupants, it is intended that the residual outside space will be landscaped to provide communal amenity space for the residents (this will be conditioned). Ground floor flats 1-7 (excluding No. 2) will have a small area of outdoor space in addition. These are not large but provide additional

space, nonetheless. The town centre location also affords new occupants with many opportunities for obtaining access to outdoor space and recreation around Bury Mount and the Water Meadows as well as other parts of the town centre. Therefore the proposal is considered to result in good standards of residential amenity for proposed occupiers.

- 9.46. The proposal is therefore considered to comply with policy SS2 of the LPP2 and the SNC Design Guide and will not cause harm to neighbouring amenity and will provide good standards for future occupiers.

#### Crime Prevention

- 9.47. The SPG on Planning out Crime (2003) and policy SS2 of the LPP2 both require consideration of crime prevention measures in proposed developments and any required mitigation measures.
- 9.48. In order to address one of the crime prevention issues raised by the Design Advisor, a boundary plan has been submitted to show the rear passageway closed off so that there would not be any potential access by the public from Northampton Road. Notwithstanding the details shown on the boundary plan, a condition will be imposed to ensure that the details of the boundaries (including their materials) will be agreed.
- 9.49. The Design Advisor has expressed concerns that a lack of car parking will result in resident's cars being parked away from the site and therefore more vulnerable to crime. Whilst it is acknowledged that this would be the case if resident's have cars, the vast majority of the public car parking areas (public car parks and on-road parking), due to the built up area, will nonetheless be naturally surveyed from other residential properties, albeit not from the owners own properties. This will afford any cars some level of protection from crime.
- 9.50. Another concern raised was regarding the communal entrance and the suggestion that this should be set back to reduce opportunities for burglary and allow letter boxes for the units to be erected. However, it is not considered that the set back of this communal entrance door would look appropriate in the street scene.
- 9.51. The proposal is considered to be in accordance with the Council's SPG and policy SS2 of the LLP2.

#### 9.52. Heritage Impact

##### *Legislative and policy context*

- 9.53. The site is within the Conservation Area of Towcester and relates to a Grade II listed building (154 Watling Street) and other significant building (152 Watling Street). The site is also in an area of known archaeological interest.
- 9.54. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.55. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.

- 9.56. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.
- 9.57. Policies HE1, HE5 and HE6 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.

#### *Assessment*

- 9.58. Following the receipt of amended plans, the proposal to convert the buildings to residential is considered to be acceptable. The proposal will cause harm to the listed building in terms of the changes to the internal layout, but this harm is considered to be less than substantial and there are considered to be public benefits to outweigh the harm. The harm has been minimised with the removal of 3 rooflights, the reinstatement of an original outer wall at the rear and the retention of the existing sash windows at the front. The redevelopment of the site will enhance the setting of the listed building and better reveal its significance by making improvements to the front elevations such as reinstating the flush frontage to the adjacent property and demolishing extensions at the rear.
- 9.59. The proposals will also enhance the character and appearance of the site within the Towcester conservation area and will not cause any harm to the setting of the adjacent listed building at No. 150.
- 9.60. In terms of archaeology, as advised by NCC's Archaeological Officer, the site has the potential for archaeology deposits to be found due to its location in the centre of Towcester, a former Roman town. The proposal will cause harm to any archaeology that may be present at the site, but this harm can be mitigated with the imposition of conditions requiring a programme of archaeological works to be carried out covering fieldwork, post-excavation and recording.
- 9.61. Overall, the proposal is considered to be in accordance with policies BN5 of the JCS policies SS2, HE1, HE2, HE5 and HE6 of the LPP2 and the NPPF.

#### Ecology Impact

##### *Legislative context*

- 9.62. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.63. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:

- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### *Policy Context*

- 9.64. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.65. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 9.66. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.67. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 9.68. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there

is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

### *Assessment*

- 9.69. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction which are currently vacant and in poor condition and therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats and breeding birds.
- 9.70. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.71. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.72. The application is supported by a detailed protected species survey which concluded that the building at the rear (long rear projection) is likely to be a maternity roost for bats as there was significant evidence of bat droppings and a single brown long-eared bat was observed in the roof timbers. There was no evidence of breeding birds.
- 9.73. Whilst roof lights are proposed to the rear projection, the main roof space containing the bat roost site would remain unchanged and building work undertaken with care and re-roofing work only undertaken during March/April or September/October to avoid the breeding season. Raised bat access tiles (up to two) will be provided on the ridge or slop of the roof to provide an access point. Any lighting will be kept to a minimum. Conditions will be imposed to ensure the development is carried out in accordance with the survey and mitigation measures proposed.
- 9.74. At the time of writing the report, further comments from the Council's Ecologist have not been received but from the content of the survey officers are satisfied that, with the imposition of conditions, the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.75. An update from the Council's Ecologist will be provided as part of the written update at the Committee meeting.

### Drainage

- 9.76. The site is located within flood zone 1 but due to it being a major form of development, is nonetheless required the submission of a Flood Risk Assessment. The Environment Agency has been consulted but has not provided any comments. The development constitutes 'More Vulnerable' Development under the Flood Risk Vulnerability Classification which is compatible in Flood Zones 1.
- 9.77. The FRA has been assessed by NCC as Lead Local Flood Authority and Anglian Water in respect of surface water at the site. Both Authorities are content with the proposals in terms of surface water drainage but require conditions to be imposed to secure the finer detail of the proposed scheme. In terms of foul and waste water Anglian Water considers there is capacity in the local network.
- 9.78. The development is therefore considered to be in accordance with policies BN7 and BN7A of the JCS and policy SS2 of the LPP2.

#### Pollution (contamination, noise and air quality)

- 9.79. In respect of contamination, Environmental Health advises that there are no complaints or reports of contamination on the site therefore a condition relating to unexpected contamination only can be imposed.
- 9.80. In respect of noise, the proposed development should be considered in relation to its exposure to noise from road traffic from the A5. Conditions to be imposed to require a noise assessment to be submitted and a scheme to identify any mitigation required to protect the dwellings from noise. A condition should also be imposed in respect of working hours during construction.
- 9.81. In respect of air quality, the site is adjacent to the Towcester Air Quality Management Area and so should consider measures to promote sustainable transport such as electric bike charging points, residential travel passes and gas fired boilers to either meet a minimum standard or consideration of alternative heat sources. In this case, given the site is not proposing any car parking and will promote sustainable transport by being located in the centre of Towcester this is already considered to reduce the impact on the AQMA arising from this development. It is intended to provide bike storage in the communal area and a condition will be imposed to required details of this.
- 9.82. The proposal is therefore considered to be in accordance with policy BN9 of the JCS and policy SS2 of the LLP2 and the NPPF.

#### Viability and S106 Contributions

- 9.83. As this proposal is a major form of development it would normally be expected to pay financial contributions and provide an element of affordable housing in accordance with the Council's SPD on Developer Contributions and policies INF1, and INF2 in the JCS and policies INF1, INF3 and LH8 in the LPP2 and well as the NPPF.
- 9.84. In this case, this development would have been required to provide 40% (6 units) of affordable housing tenure as well as financial contributions towards libraries of £1,635 and health care of £7,626.07 (as set out in the consultee responses). It would also be expected to pay a financial contribution towards refuse collection. No contributions were being sought for education for this proposal due to the size of the units.
- 9.85. No affordable housing was proposed at the outset of the application although no supporting viability information was provided as evidence to demonstrate that

affordable housing was not viable. This information has therefore been requested, submitted and assessed whilst the application has been pending. After a protracted period of requiring more information, the Council's Strategic Housing team were ultimately able to provide final formal comments to Officers.

- 9.86. In considering all the viability information which included inputting the data into their own viability model, Strategic Housing colleagues advise that the information provided is acceptable in terms of costs and quotes. The Council's results achieved the same Residual Land Value as the applicant's and therefore the Viability Appraisal is considered to be acceptable. The result of the Viability is that the Residual Land Value is below the Existing Use Value and this concludes that there is no scope in the scheme to provide affordable housing or any other financial contributions.

#### HUMAN RIGHTS AND EQUALITIES

- 9.87. Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.
- 9.88. There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

#### **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1 The CIL is a set charge that must be paid if planning permission is granted for a new house (or houses) or for a home extension or retail development of over 100 sqm. The CIL helps to fund a range of infrastructure that is needed as a result of new development (e.g. road schemes, schools and community facilities). Reliefs and exemptions are available.
- 10.2 This development, if approved, is liable to pay the Community Infrastructure Levy as set out in the South Northamptonshire Council Charging Schedule but will not be chargeable as there will be no net increase in floor space.
- 10.3 For further information relating to CIL please visit:  
<http://www.southnorthants.gov.uk/7143.htm>).

#### **11. PLANNING BALANCE AND CONCLUSION**

- 11.1. This proposed development will provide new residential development in a town centre location, making efficient use of a brownfield site and restoration of a listed building which will enhance the character and appearance of the conservation area. This in turn will aid the regeneration of this part of Towcester town centre and bring more residents into the town centre to support the local economy. The loss of the existing use is not considered to cause any significant harm to employment, leisure or commercial uses in the town centre which is well served by these opportunities in other locations. The loss of the existing use is considered to be highly outweighed by the benefits to the environment by bringing this vacant site back into use and securing the longevity of the listed building. The proposal is not considered to cause any harm to highway safety and any cumulative impact on the road network arising from resident's owning their own cars is not considered to be severe.

- 11.2. The proposal is not considered to cause any harm to residential amenity, crime prevention, ecology, drainage or pollution. The inability for the development to contribute affordable housing or other financial contributions is unfortunate, however it is accepted that the development would be unviable if this was required.
- 11.3. For all these reasons, it is considered that the proposal complies with the economic, social and environmental objectives of sustainable development set out in the NPPF and the policies in the JCS and LPP2.

## **12. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO:**

- 1. NO OBJECTIONS FROM SNC ECOLOGY; AND,**
- 2. SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### CONDITIONS

#### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

##### **Time Limit**

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

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **Compliance with Plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

MS-5764 received on 21st August 2019;  
003 Rev A, 004 Rev A, 005 Rev A, 007 Rev A, 009 dated 20th December 2019;  
006 Rev B, 008 Rev B dated 15th June 2020;  
002 Rev J dated 24th July 2020

Reason : To clarify the permission and for the avoidance of doubt.

##### **Accord with Ecology Survey**

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Protected Species Survey by Philip Irving dated October 2019 unless otherwise agreed in writing by the Local Planning

Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

**CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES**

**Ecology Survey**

4. If the development hereby approved does not commence by 30th September 2021, a revised Protected Species Survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on bats and breeding birds. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Drainage Strategy**

5. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason : To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Archaeology**

6. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the

subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

#### CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

##### **Unexpected Contamination**

7. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

##### **Schedule of Materials**

8. A schedule of materials and finishes to be used in the external walls and roofs of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 of the South Northamptonshire Local Plan Part 2 and Government guidance contained within the National Planning Policy Framework.

##### **Brick Sample Panel**

9. The external walls of the extension shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning

Policy Framework.

### **Architectural Detailing**

10. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason : In order to safeguard the visual amenities of the conservation area and the significance of the heritage asset in accordance with Policy SS2, HE5 and HE6 of the South Northamptonshire Local Plan and Policy BN5 of the West Northamptonshire Joint Core Strategy.

### **Windows and Doors**

11. Details of the construction, including cross sections, cill, lintel, reveal and colour / finish of the proposed windows/doors, to a scale of not less than 1:5 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason : To ensure that the new works are sympathetic with the character of the listed building and to preserve the character and appearance of the conservation area in accordance with policies SS2, HE5 and HE6 of the South Northamptonshire Local Plan and Policy BN5 of the West Northamptonshire Joint Core Strategy.

### **Dormer Window details**

12. Details of all external facing materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2, HE5 and HE6 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Balcony Walkway Details**

13. Further design details of the balcony walkway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The details shall include all parts of the construction including the supporting posts, railings, materials and surface finish. The development shall then be carried out in accordance with the

approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2, HE5 and HE6 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Landscaping Scheme**

14. A scheme for landscaping the inner courtyard shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of any proposed tree/shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

15. 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 buildings or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Fire Hydrant**

16. Full details of the fire hydrant to be provided on the site shall be submitted to

and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason : To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

### **Noise Assessment**

17. Before any above ground works commence a noise assessment has been undertaken and a scheme for protecting the proposed dwellings from noise sources, from the adjacent A5 affecting the site has, been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme, including mitigation, shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied. Any assessment method and acoustic criteria used shall be prior agreed in writing with the local planning authority and any proposed mitigation works shall meet the design aims of the National Planning Policy Framework and Planning Practice Guidance.

Reason : To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Policy SS2 of the South Northamptonshire Local Plan.

### **Lighting Scheme**

18. Details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In order to safeguard the visual amenities of the area and in the interests of ecology in accordance with Policy SS2 of the South Northamptonshire Local Plan, BN2 and BN5 of the Joint Core Strategy and Government advice in The National Planning Policy Framework.

### **Boundaries**

19. Notwithstanding the details shown on the approved plans, particularly drawing 009 (boundary plan), further details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings.

Reason : To ensure the satisfactory appearance of the completed

development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Archaeology**

20. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 6 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

### **Surface Water Drainage Scheme**

21. 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 Drainage Strategy ref 19/37003 dated 25th November 2019, prepared by DSA, will 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;
  - ii) Details of the drainage system are to be accompanied by full and appropriately crossreferenced supporting calculations simulating storms through the whole drainage system, with results of critical storms, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change;
  - iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices;
  - iv) Detailed scheme for the ownership and maintenance for every element of the surface water drainage system;
  - v) Full details of permeable paving

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

**Cycle Parking**

22. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

**Surface Water Verification**

23. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Strategy ref 19/37003 dated 25th November 2019, prepared by DSA has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles;
  - b) Any As-Built Drawings and accompanying photos;
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.;
  - e) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place;
  - f) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

**Obscure Glazing**

24. The bathroom window in the side (east) elevation of the rear projection serving Flats 10-14 shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed, and shall be permanently retained as such thereafter.

Reason : To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy SS2 of the South Northamptonshire Local Plan.

### **Refuse and Recycling**

25. Full details of the proposed storage for refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those work. The development shall be carried out in accordance with the approved details.

Reason : In order to safeguard the visual amenities of the conservation area and the significance of the heritage asset in accordance with Policy SS2, HE5 and HE6 of the South Northamptonshire Local Plan and Policy BN5 of the West Northamptonshire Joint Core Strategy.

### **CONDITIONS TO BE COMPLIED WITH AT ALL TIMES**

#### **Construction Hours**

26. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy SS2 of the South Northamptonshire Local Plan.