

PLANNING COMMITTEE:	17 th December 2015
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
APPLICATION REF:	N/2015/0738
LOCATION:	Newspaper House, Derngate
DESCRIPTION:	Demolition of part, conversion of the existing building and erection of two new floors to form 64no. apartments
WARD:	Castle Ward
APPLICANT:	Derngate Lofts Ltd
AGENT:	Derngate Lofts Ltd
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	Major application
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The benefits of the development in terms of its contribution to the five year housing land supply and the visual improvement to the Derngate Conservation Area and wider townscape, coupled with the contribution to the aspirations for the repopulation and reinvigoration of the town centre would outweigh the less than substantial harm arising to heritage assets and the relative under provision of car parking. This would therefore accord with Policies H1, S3 and S10 of the West Northamptonshire Joint Core Strategy, Policies SO7, 1, 2, 10 and 16 of the Central Area Action Plan, Policies E20 and E26 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks planning permission to convert a vacant office building and gym in the town centre into a residential development of 64 apartments. The development proposes to erect an extension to the building to form an additional two floors (with a mezzanine). A further mezzanine would be installed on the ground floor giving the building, overall, seven floors. An 'off-shot' two storey wing to the rear of the building would form part of the conversion.

2.2 As part of the development there would be the demolition of some lower rise structures to the rear of the building to form a courtyard. Vehicular access would be taken from Derngate with basement car parking providing 32 spaces.

- 2.3 Information submitted with the application indicates that the apartments would be serviced and available for short/long term lease as well as purchase.
- 2.4 The proposal has been the subject of discussions between the applicant and Officers and has been amended as a result of this.

3. SITE DESCRIPTION

- 3.1 The building is a 1950/60's flat roofed building across four floors fronting Derngate with various elements to the rear. In recent years the upper floors have been used as offices with the basement and ground floor used for commercial purposes. However the entire building is currently vacant.
- 3.2 The site is within the Derngate Conservation Area and immediately adjacent to a building with a mix of commercial use at ground floor and residential on the upper floors in an area with a mix of commercial and residential uses.

4. PLANNING HISTORY

- 4.1 No history relevant to this application site.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).

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

5.2 National Policies

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

Paragraph 23 requires positive and competitive town centre environments.

Paragraph 47 requires Authorities to have a five year housing land supply.

Paragraph 49 advises that housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 51 advises planning permission to be granted for change of use from commercial to residential where there is an identified housing need unless there are economic reasons for not doing so.

Paragraph 56 requires good design.

Paragraphs 131 and 132 advise that account should be taken of the significance of heritage assets and weight should be given to the asset's conservation.

Paragraphs 133 and 134 outline the need to balance the level of harm to a heritage asset with the public benefits of the proposal

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

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

Policy H1 – Housing Density & Mix & Type of Dwellings – states that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H2 - Affordable Housing - sets out the requirement for 35% affordable housing to be provided subject to viability.

Policy S3 – Scale and Distribution of Housing Development – requires the construction of approximately 18,870 dwellings in Northampton Borough over the plan period.

Policy S10 – Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 - The Historic Environment & Landscape- outlines that heritage assets will be conserved and enhanced.

5.4 **Northampton Central Area Action Plan 2013**

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

Strategic Objective 7 - Repopulate the Central Area - sets out to substantially increase the resident population.

Policy 1 - Promoting Design Excellence - requires high design standards including making efficient use of land and preserving and enhancing heritage assets and their settings.

Policy 2 - Tall Buildings - requires the justification for these.

Policy 10 – Parking - sets out the maximum standards of provision required.

Policy 16 - Central Area Living - outlines the need for 3,400 homes up to 2026.

5.5 **Northampton Local Plan 1997 (Saved Policies)**

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

E20 - New Development

E26 - Conservation Areas

5.6 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Derngate Conservation Area Appraisal and Management Plan 2006

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC (Highways)** - express concerns over the levels of car parking and cycle storage.

6.2 **NCC Lead Local Flood Authority** - have no objections.

6.3 **Anglian Water** - do not object.

6.4 **Environment Agency** - do not object.

6.5 **Northamptonshire Police** - recommend a number of security measures which should be incorporated into the development.

6.6 **Historic England** - do not object but offer comments regarding the increase in height of the building and the impact this may have on the setting of the Grade II* listed Guildhall and recommend that the application be determined in accordance with national and local policy.

6.7 **NBC Conservation** - conclude that the addition of two storeys to the building will adversely impact on the setting of the Grade II* Guildhall.

6.8 **Highways England** - do not object.

6.9 **Construction Futures** - request £5,723 towards construction training opportunities.

6.10 **Town Centre Conservation Advisory Committee** - have concerns over the serviced nature of the apartments and the design of the building (as originally submitted).

6.11 **NBC Environmental Health** raise no objections but request conditions regarding refuse provision, air quality, noise and a Construction Environment Management Plan.

7. **APPRAISAL**

Principle of Development

7.1 Strategic Objective 7 and Policy 16 of the Central Area Action Plan set out the aim to provide housing within the town centre. The NPPF aims to create positive and competitive town centres

with a mix of uses. It is considered that the principle of using a vacant commercial building for 64 apartments is consistent with these policies.

- 7.2 In addition the NPPF requires Local Authorities to have a five year housing land supply and, where there is an identified need for housing, to grant planning permission for the change of use from commercial to residential unless there is an economic argument for not doing so. The Borough does not currently have this supply of housing and consequently it is considered that in principle the development proposed would contribute towards this.

Design

- 7.3 The design of the development has been the subject of lengthy discussions between officers and the applicant and as a result an amended design has been submitted.
- 7.4 Originally an art-deco style façade was proposed for the building which would have encompassed both the existing building and the proposed extension. This would have resulted in the building, and in particular the extended element, appearing more significant in terms of its overall height and mass.
- 7.5 Subsequently the design has been amended to provide a more simplistic façade which is more in keeping with the existing design and form of the building. The extension has been reduced in height by approximately 0.5 metres as well as now being constructed in lighter materials. In addition the whole of the extended element is now set back from the front of the building and designed to appear subservient rather than one of the additional floors being designed to be incorporated into the main building. The proposed material used for the extension is considered to be appropriate and would enhance the appearance of the Conservation Area.
- 7.6 It is considered that these changes result in the extension appearing as a more separate, subservient element which in design terms reduces the bulk and mass of the building.

Heritage/Visual

- 7.7 The site is located within the Deringate Conservation Area and owing to the views to/from the Grade II* listed Guildhall, it is also considered to be within the setting of a listed building.
- 7.8 For the reasons outlined above the impact upon the conservation area from a broad design perspective is considered to be acceptable.
- 7.9 The building in its current form is considered to be somewhat unprepossessing and when combined with its vacant state and the potential for deterioration does not make a particularly positive contribution to either the conservation area or the setting of the listed building. The increase in the height of the building by approximately 3.8 metres will raise this to approximately 1.5 metres higher than the neighbouring building and will consequently impact upon both the Conservation Area and the setting of the listed building as a consequence.
- 7.10 However, it is not considered that the increase in height, relative to the neighbouring building, or the theatre opposite, albeit this is a civic building, is so great as to cause significant harm to the character or appearance of the Conservation Area.
- 7.11 The Council's Conservation Officer has commented that the increase in height would adversely impact upon the setting of the listed Guildhall. When viewing the Guildhall from Deringate the extended building will, undoubtedly, have a greater presence within those views. However it would not particularly obscure or block the views of the Guildhall itself and it is considered that the Guildhall would remain the dominant feature, and indeed the focal point, within those views.

- 7.12 Consequently it is considered that the development causes a less than substantial degree of harm to the heritage assets.
- 7.13 The NPPF requires less than substantial harm to heritage assets to be considered against the public benefits of the development proposed. In this case it is considered that the public benefits of the development would be improvements to the appearance of the Conservation Area and general townscape which would arise from renovating the exterior of a somewhat unattractive and vacant building and getting this into a viable long term use.

Amenity

- 7.14 It is considered that the increase in height of the building could result in some additional overshadowing and loss of light to adjacent buildings, predominantly commercial but with some residential, but that this would not be unduly significant to warrant the refusal of the application.
- 7.15 The relationship between the rear 'off-shot' element of the conversion and one of the adjacent buildings is not considered to be ideal given that there is a distance of approximately 5.5 metres between these. This would result in some overlooking of the residential units as well as a somewhat sub-standard level of residential outlook. However it would be difficult to resist this element of the application on this basis as it would be possible for the applicant to make a prior notification for the change of use from offices to residential under the General Permitted Development Order under which amenity cannot be considered.
- 7.16 The Council's Environmental Health team have requested several conditions to safeguard the amenities of existing and future residents. While these are considered to be reasonable it should be noted that given the town centre location of the site and its lawful use for offices it is not considered that the development proposed would have a significant additional impact from an environmental perspective.

Highways

- 7.17 The Highway Authority have expressed concerns over the levels of car parking and cycle storage. With regard to car parking this equates to one space per two flats with 32 spaces proposed. It is considered that in this town centre location, and given the proximity of public car parking facilities, that it would be unreasonable to refuse the application on this basis.
- 7.18 In terms of the lack of cycle storage 36 spaces are proposed and it is considered that additional storage could be secured by condition, should planning permission be granted.

Viability

- 7.19 A development of this scale would ordinarily be required to provide an element of affordable housing. However the applicant has undertaken a viability appraisal of the scheme which has proven that the provision of affordable housing would render the scheme unviable. The NPPF makes it clear that viability is a material planning consideration and as such affordable housing cannot reasonably be requested.
- 7.20 Construction Futures have requested a contribution of £5,723 towards construction training opportunities. It is considered that this matter could be addressed through a condition requiring a scheme for construction training opportunities to be submitted and agreed.

8. CONCLUSION

- 8.1 Overall, and on balance, it is considered that the benefits of the development in terms of its contribution to the five year housing land supply and the visual improvement to the Derngate

Conservation Area and wider townscape coupled with the contribution to the aspirations for the repopulation and reinvigoration of the town centre would outweigh the less than substantial harm arising to heritage assets and the relative under provision of car parking. Consequently it is recommended that the application is granted planning permission.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan schedule: N260-101B, N260-102, N260-103B, N260-111D, N260-112B, N260-113C, N260-114B, N260-115C, N260-120C, N260-121C, N260-133 C.

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

3. Prior to the commencement of development, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to allow for the approved materials to be incorporated into the development.

4. The parking and turning, loading and unloading space shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

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

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

6. Notwithstanding the details submitted, prior to the commencement of development, full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the requirements of the National Planning Policy Framework. This is a pre-commencement condition to allow for the agreed facilities to be incorporated from the earliest phase of development.

7. Prior to the commencement of the development, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

Reason: To ensure the satisfactory provision of refuse facilities to comply with Policy E20 of the Northampton Local Plan.

8. Before development commences a scheme to provide construction training opportunities on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason: To ensure the provision of construction training opportunities in accordance with the Council's Planning Obligations SPD.

9. The gym/spa shown on the approved plans shall only be for the use of residents of the development hereby permitted and shall not be open to the general public.

Reason: In the interests of residential amenity and to accord with Policy E20 of the Northampton Local Plan.

10. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- a) A site Waste Management Plan;
 - b) A Traffic Management Plan incorporating the routing construction traffic and details of heavy vehicle movement patterns
 - c) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms;
 - d) Details of siting of all vehicles of site operatives and visitors;
 - e) Details of the design, appearance, erection and maintenance of security hoardings to include informative displays;
 - f) The location, extent and duration of any temporary stockpiling areas;
 - g) Measures to prevent debris being deposited on the surrounding highway;
 - h) A programme of implementation for items (a) – (g).

Reason: To safeguard the amenities of neighbouring residents during construction work to accord with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to allow the agreed measures to be enacted from the start of work.

12. Before development commences a scheme for air quality mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: To ensure adequate amenity standards in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to allow the necessary measures to be incorporated throughout the development.

10. BACKGROUND PAPERS

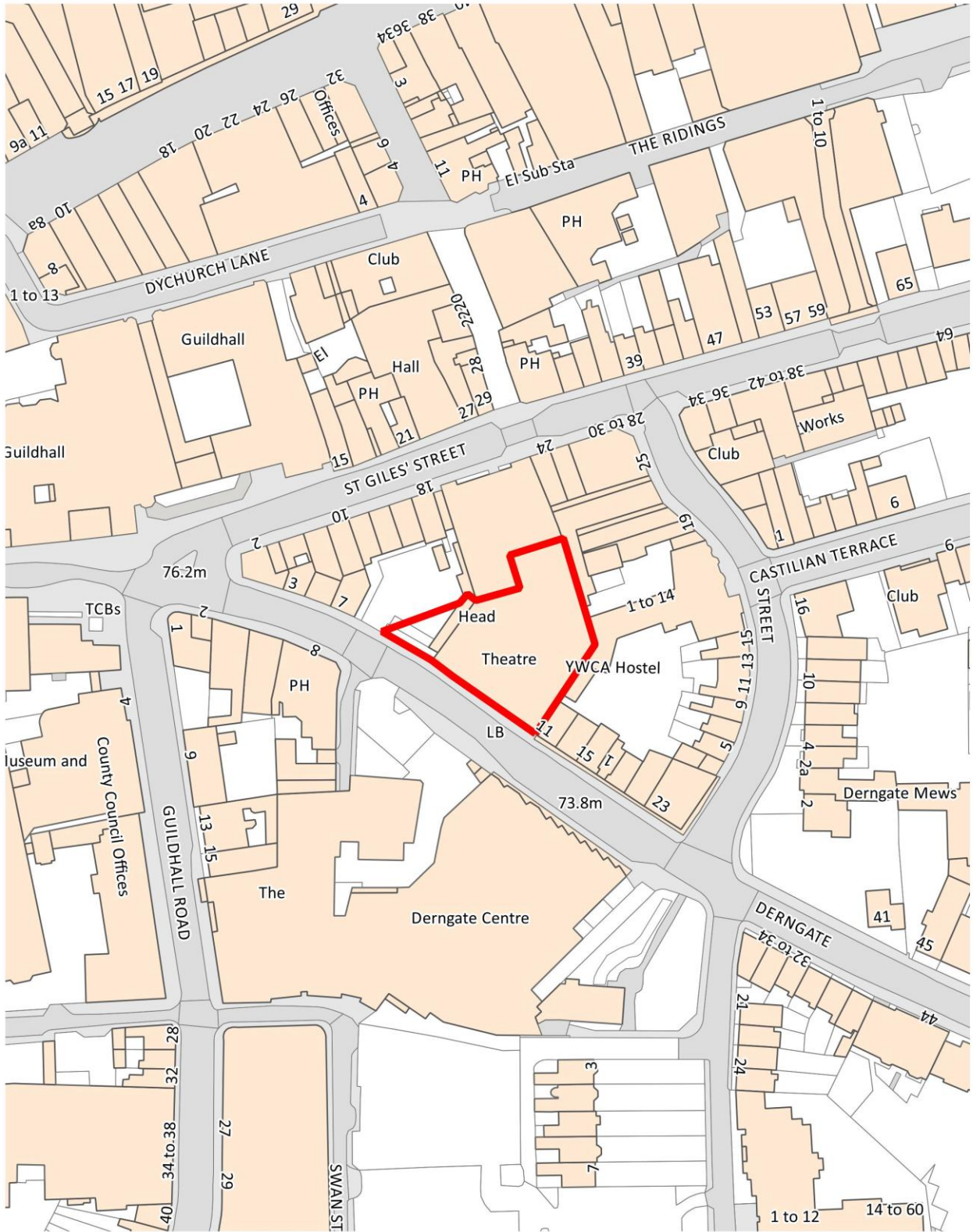
10.1 N/2015/0738


11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



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