

PLANNING COMMITTEE: 26th July 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/0673 and N/2015/0674

LOCATION: The Hawkins Building, Overstone Road

DESCRIPTION: Conversion and alterations of factory premises to form 105 apartments with associated parking both on-site and on-street; replacement of windows and new roof lights; proposed infill extension on Dunster Street facade including new roof terraces; and

Listed Building Consent application for conversion and alterations to form 103 apartments including replacement of windows and new roof lights; removal of 4 cast-iron columns, internal walls, north lights, internal and external staircase; modification of doors; proposed infill extension on Duster Street facade including new roof terraces; provision of Knew glass screens, new staircases, steel guard rails, fire exits and lift

WARD: Castle Ward

APPLICANT: Clayson Country Homes
AGENT: Barry Waine Planning

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

N/2015/0673 – Planning Application

1.1 APPROVAL subject to the conditions as set out in paragraph 9 and for the following reason:

The proposal would bring about the development of a prominent group of disused Grade II listed buildings within the Boot and Shoe Quarter Conservation Area in a residential area on the edge of the town centre, the renovation of which would enhance and make an overall positive contribution to the character and appearance of the Conservation Area. The site is in a sustainable location, with good access to the town centre and public transport, and the conversion to residential use would make a positive contribution to the Council's 5-year housing supply. It is acknowledged that the proposed alterations may cause harm to the historic integrity

of the listed building but this is outweighed by the public benefits identified and ensuring the continued viable use of the buildings. The development would not lead to any unacceptable adverse impacts on the existing highway conditions or residential amenity. It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied, and that, on balance, the lack of contributions would be outweighed by the environmental and social benefits of the proposal. The development is therefore considered in accordance with Policies S3, S10, E1, H1, H2, BN5, BN9, INF1 & N1 of the West Northamptonshire Joint Core Strategy, Policies E20 and E26 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

N/2015/0674 – Application for Listed Building Consent

- 1.2 **APPROVAL IN PRINCIPLE** subject to prior referral to the Secretary of State and the conditions as set out in paragraph 9 and for the following reason:

The proposal would bring about the development of a prominent group of disused Grade II listed buildings within the Boot and Shoe Quarter Conservation Area in a residential area on the edge of the town centre, the renovation of which would enhance and make an overall positive contribution to the environmental character of the Conservation Area. It is acknowledged that the proposed alterations may cause harm to the historic integrity of the listed building but it is considered that this is outweighed by the public benefits identified above and the positive contribution that the residential development of the site would make towards meeting housing need within the area and the Council's 5-year housing supply. The proposal is therefore considered in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy, Policy E26 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The planning application proposes the conversion and alteration of the Hawkins Building, a Grade II listed former factory and Nos. 4-14 Dunster Street, to 105 apartments comprising of 73 one-bedroom and 32 two-bedroom apartments. Amendments to parking layouts as detailed below have increased the original proposal of 103 units to 105 incorporating two additional units at lower ground floor level. External alterations would comprise of an infill extension and two-storey first floor extension on Dunster Street, the replacement of existing windows throughout with double glazed windows, insertion of rooflights, modification of doors and openings and the insertion of Juliette balconies. The proposal includes the provision of a passenger lift serving lower ground floor up to the third floor within the Hawkins building. Bin and cycle storage would be provided at both basement and ground floor level.
- 2.2 The application has been amended removing basement parking providing 13 spaces accessed from Dunster Street due to concerns raised by the Highway Authority regarding the proposed access. Subsequently, the application provides 28 spaces at ground level accessed from Overstone Road. A further 16 spaces would be provide on St. Michael's Road. The existing feeder lane to St Michael's car park situated opposite the site on St Michael's Road would be removed with the two main traffic lanes from the existing pedestrian crossing being diverted to the south side of the carriageway in order to move the traffic away from the building and provide for some additional 16 parking space along St Michael's Road.
- 2.3 The application for Listed Building Consent (N/2015/0634) seeks authorisation for conversion and alterations to form 105 apartments including replacement of windows and new roof lights; removal of 4 cast iron columns, internal walls, north lights, internal and external staircase, modification of doors; proposed infill extension on Dunster Street façade including new roof terraces; provision of glass screens, removal of existing and installation of new staircases and lift, steel guard rails and fire exits.

3. SITE DESCRIPTION

- 3.1 The application site comprises of the former G T Hawkins Factory, a Grade II listed building, Nos. 4-12 Dunster Street of which Nos. 4-6 Dunster Street, known as the former Globe Leather Works, is Grade II listed, and No. 14 Dunster Street. The site forms a prominent group of buildings fronting onto St. Michael's Road, Overstone Road and Dunster Street situated within the Boot and Shoe Quarter Conservation Area on the edge of the town centre. The Hawkins building and Nos. 4-12 Dunster Street range from three to four storeys in height. No. 14 Dunster Street is a single storey gable fronted building.
- 3.2 Surrounding uses and building heights are varied with predominantly terraced residential terraced streets interspersed with some small scale commercial uses. Parking within the vicinity of the site is on street and controlled by permit. St. Michael's car park is situated opposite the site to the south.

4. PLANNING HISTORY

- 4.1 98/0803 – Conversion to 25 flats. Approved November 2002
- 98/0922 – Conversion to 44 flats and fitness club (Hawkins). Approved 9.08.2000
- N/2001/1092 – Creation of 52 flats (Hawkins). Refused 7.11.01
- N/2001/1522 – Conversion of 4-12 Dunster Street to 16 flats. 18.09.02
- N/2002/0083 – Conversion to 52 flats – creation of additional 8 flats (Hawkins). Approved 28.11.02
- N/2005/1492 – Listed Building Consent, 16 flats, 4-12 Dunster Street. Approved 24.04.07
- N/2005/1517 – Listed Building Consent, conversion of factory to flats, new mezzanine floor for car parking between basement and ground floor (Hawkins). Approved 17.04.07
- N/2008/0434 – Conversion of 14 Dunster Street to form 3 storey building comprising one 1-bed and two 2-bed flats. Approved 14.05.08

5. PLANNING POLICY

5.1 Statutory Duty

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to 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.

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 14 advises at the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 29 advises that the long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose.

Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

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

Paragraph 51 – planning applications for change of use from commercial to residential use should normally be approved where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

Chapter 12: Conserving and enhancing the historic environment – advises on the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social benefits that the conservation of the historic environment can bring and the positive contribution that conservation of the heritage asset can make to sustainable communities.

Paragraphs 132 to 134 advise that great weight should be given to the asset's conservation. Any harm or loss through alteration should require clear and convincing justification. Where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits, including securing its optimum viable use.

Paragraph 205 – where obligations are being sought Local Planning Authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

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 S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings in the plan period 2011 to 2029.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily reached by non-car modes; protect, conserve and enhance the built environment; minimise pollution from noise, air and run-off.

Policy C2: New Developments – new development will be expected to achieve modal shift targets by maximising travel choice from non-car modes.

Policy E1: Existing Employment Areas – change of use to non-employment generating uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment purposes, conflict with adjoining uses or its release would offer significant benefits to the local area.

Policy H1: Housing Density and Mix and Type of Dwellings – new housing development will provide for a mix of house types, sizes and tenures having regard to the character of the area; accessibility to services and facilities and public transport; living conditions of future residents and impact on amenity of occupiers of neighbouring properties.

Policy H2: Affordable Housing – required to be provided at 35% on sites of 15 dwellings or more.

Policy BN5: The Historic Environment and Landscape – seeks to ensure designated heritage assets and their settings and landscapes are conserved and enhanced in recognition of their individual and cumulative significance. In environments where valued heritage assets are at risk, the asset and its setting will be appropriately conserved and managed. The retention and sensitive re-use of disused or underused heritage assets and structures is encouraged in order to retain and reflect the distinctiveness of the environment, contribute to the sense of place and promote sustainable and prudent use of natural resources.

Policy BN9: Planning for Pollution Control – new development likely to result in exposure to sources of pollution will need to demonstrate provision of opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development.

Policy INF1: Approach to Infrastructure Delivery – new development will be supported by and provide good access to infrastructure. Where development generates a need for new infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development.

INF2 – Contributions to Infrastructure Requirements – new development will only be permitted if the necessary on and off-site infrastructure required to support and mitigate its impact is already in place or there is a reliable mechanism to ensure it will be delivered.

Policy N1: The Regeneration of Northampton – will be supported by, amongst other things, housing development within the existing urban area through urban capacity infill.

5.4 Northampton Local Plan 1997 (Saved Policies)

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

E20 requires new development to adequately reflect the character of its surroundings and ensure adequate standards of privacy, daylight and sunlight.

E26 requires new development to preserve or enhance the character and appearance of conservation areas.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

5.6 **Other Material Considerations**

Boot and Shoe Quarter Appraisal and Management Plan (2011)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Conservation** – consent has been granted in the past for the conversion of the building to residential use establishing the principle of the development. The significance of the buildings relates to their relationship with the boot and shoe industry and its significance to the town, the organic development of the site over time and the individual architectural detailing of the buildings, which can still be appreciated. A significant feature of the buildings is their windows which form a key element of the fenestration and assist in defining the industrial use of the buildings and their building periods. It is difficult to establish the potential impact of the proposed replacement windows from the details submitted. It will be important for the significance of the window fenestration to be respected through the development proposal and the replacement windows should match endeavour to match the profiles of the existing windows and the extent of glazed area closely. Raise concern regarding the glazed link and Juliette balconies and advise rooflights should be fitted flush.

6.2 **Historic England** comment as follows:

- Welcome the principle proposal to refurbish and bring these important listed buildings back into use.
- The proposal entails extension works and alterations including the removal of various architectural components, not least the windows, which contribute to the overall significance of the building, and which is likely to be the most noticeable change in terms of the building's character and appearance.
- No evidence has been provided in the application to suggest the windows are no longer fit for purpose and we would therefore question whether all the windows need to be removed or whether they could be conditioned to retain as much of the original fabric of the building as possible.
- The physical alterations are likely to have at least some impact which will result in some degree of harm to the significance of the heritage asset.
- Recommend guided by in-house conservation staff with regard to the design and finish of architectural detailing, and that any harm is weighed against any public benefit provided by the proposal.

6.3 **The Victorian Society** object as follows:

- Object due to the harm caused by various alterations and urge to refuse.
- Hawkins is nationally important and well preserved complex of historic buildings that evokes Northampton's rich heritage of boot and shoe manufacture.
- Building is "at risk", therefore the principle of restoring and converting the building to a viable new use is welcomed.

- Proposed number of alterations and interventions would be likely to cause varying degrees of harm to the listed building.
- Loss of northlight window would be damaging to integrity and distinctively industrial character; object to its removal.
- General lack of information on significance of the interior and impact of the proposed alterations.
- Implementation of the scheme would cause unjustified harm to the character and appearance of this nationally important building and would have a deleterious impact on the significance of the Boot and Shoe Quarter Conservation Area.

6.4 **The Council for British Archaeology:**

- Support principle of bringing building back into use.
- Concerned regarding lack of description of significance of internal spaces and features in their treatment.
- North light window is a key feature of the building and removal would cause harm which should be justified.
- Replacement windows will harm the building's significance. Sensitive double glazing options are available and any replacement scheme should follow the advice of the Authority's Conservation Officer.
- Authority should be satisfied that the proposals do not harm the significance of the building through loss of industrial legibility and features.
- CBA understands that large fenestration schemes can be costly and affect the viability. There are sensitive double glazing options available and your Authority should be satisfied the proposed scheme is suitable.
- The detailing of the windows is important as it significantly impacts the aesthetics of the listed building and recognition of its industrial heritage.

6.5 **The Association for Industrial Archaeology:**

- Would prefer to see a less dense conversion.
- Regret the loss of north lights and cast iron columns.
- Supportive in principle of re-use but considers every effort should be made to retain features which retain the industrial nature of the building.
- Any features should be recorded.

6.6 **NBC Public Protection** – request conditions relating to the submission, approval and implementation of a noise mitigation scheme to protect any affected habitable rooms/bedrooms or outdoor amenity spaces; air quality mitigation measures to offset the impact of the development; and standard contamination conditions.

6.7 **NCC Highways** – on the revised plans, appreciate that the entrance and exit to the car park has been swapped around, although still concerned that the required pedestrian visibility standards are not met. A physical barrier, such as a kerb is required to narrow the width of the vehicle exit lane to 3m which will at least allow for some pedestrian visibility splay, although it is still recommended that the exit is widened by 1m on each side to achieve the full 2m pedestrian visibility splay. The LHA would object to any gated access within 5.5m of the highway boundary to enable a vehicle to stand clear of the highway before gates are opened and prevent vehicles waiting in and obstructing the road. The measures within the Safety Audit should be conditioned. A condition is required to change the parking restrictions on St. Michael's Road which will involve a Traffic Order change at a cost of £3,100 and further costs for associated signing and lining works.

6.8 **Crime Prevention Officer** – measures should be put in place to reduce opportunities for unauthorised access such as an audio-visual access control system, external letter plates or controlled trade access, controlled access to car park and secure cycle storage.

- 6.9 **NCC Archaeology** – request a condition securing an archaeological programme of works and a condition for building recording to Level 2 as defined by English Heritage: Understanding Historic Buildings (2006).
- 6.10 **Environment Agency** – no objection subject to condition for the provision of mains foul water drainage on and off site in relation to any building works that comprise the erection of a building required to be served by water services.
- 6.11 **Anglian Water** – no objection. Request Surface Water Strategy/Flood Risk Assessment submitted is conditioned.
- 6.12 **NCC Lead Local Flood Authority** – no objection but refer to Standing Advice.
- 6.13 **NCC Development Management** – a development of this size would generate approximately 5 Primary School pupils and 1 Secondary School pupil. The closest Primary School is operating at over-capacity and therefore, contributions towards Primary and Secondary education are requested. In addition, contributions towards fire and rescue infrastructure costs and libraries are requested.
- 6.14 **Construction Futures** – request contributions towards employment training.
- 6.15 **The Town Centre Advisory Committee** comment as follows:
- Welcome that this “at risk” building would be brought back into beneficial use.
 - The changes, including new windows, on balance are considered to be an acceptable compromise, although an assessment of the harm would be required by the Council’s Conservation Officers.
 - Flats are of acceptable size, although the size has reduced and number of 1-bedroom flats increased compared to the previous approval. Better balance of 1 to 2 bed flats would bring about a more diverse and balanced community and result in less strain on infrastructure, particularly traffic and parking.
 - Needs to be joined up approach with development of former Chronicle and Echo/Great Russell Street and other major conversions in town centre with regard to parking.
 - The Royal Appointment Coat of Arms above the entrance should be retained in situ.
- 6.16 **Northampton Hebrew Association** object as follows:
- Lack of parking and impact on members who are pensioners.
 - The synagogue in recent years, parking has been eroded by the issuing of parking permits to residents and a vast reduction in one hour spots around neighbouring streets.
 - To further reduce would discourage dwindling members from attending our regular services leading to the eventual demise of our community after 125 years existence in Northampton.
- 6.17 **Occupier of Basement Flat, 22-26 St Michaels Road** supports the application.
- The building has been empty for years and is depreciating at a rapid rate and is an eyesore.
 - Site is a hazard and magnet for vandals.
- 6.18 **Occupier of 76 Overstone Road** comments as follows:
- Keen to see site developed.
 - Raise concerns regarding noise and building work.
 - Current limited road side parking and poor quality road surfaces. Work traffic and heavy vehicles during construction will add to undesirable situation as will potential 206+ new residents vehicles post construction.

7. APPRAISAL

Principle of the Development

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use where there is an identified need for additional housing in the area, and no strong economic reasons as to why development would be inappropriate. Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

The principle of residential use of the Hawkins building (52 units) and Nos. 4-12 Dunster Street (16 units) comprising the application site has previously been established through the grant of planning permission, both of which have subsequently been implemented through the start of groundworks as confirmed by Building Regulations. The current scheme represents an increase in the number of units proposed from the previously approved 71 units, including 3 previously approved at No. 14 Dunster Street, but not implemented, to a proposed 105 units.

The site is in a sustainable location, with good access to the town centre and public transport, the development of which for residential use would make a significant contribution towards the Council's 5-year housing supply and bring an existing prominent derelict building within the Conservation Area back into use. Subject to the considerations discussed within the remainder of this report, the principle of conversion to residential use is considered to remain acceptable.

Impact on Heritage Assets and Design

- 7.2 Since the grant of the previous planning and listed building consents for the site, the NPPF and JCS have come into place.
- 7.3 The NPPF advises on the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social benefits that the conservation of the historic environment can bring and the positive contribution that conservation of the heritage asset can make to sustainable communities. Great weight should be given to the asset's conservation with any harm or loss through alteration requiring clear and convincing justification.
- 7.4 The NPPF further advises that where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits, including securing its optimum viable use.
- 7.5 Policy BN5 of the JCS seek to ensure the conservation and enhancement of heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets in order to retain and reflect the distinctiveness of the environment, contribute to the sense of place and promote sustainable and prudent use of natural resources.
- 7.6 The Boot and Shoe Quarter Appraisal and Management Plan (2011) advises that St Michael's Road and Dunster Street were at the heart of the boot and shoe industry in Northampton, with the highest proportion of industrial buildings to domestic properties in the area. This part of the conservation area is dominated by the former G. T. Hawkins boot works, the structural condition of which was identified as potentially 'giving cause for concern' in the Council's 'Buildings at Risk' survey of listed buildings carried out August 1990 and updated in July 2010.
- 7.7 The G T Hawkins factory and the Globe Works building on Dunster Street were listed in December 2003. The significance of the buildings relates to their relationship to the Boot and

Shoe industry and its significance to the town, the organic development over time and the individual architectural detailing of the buildings, which can still be appreciated. A significant feature of the buildings is their windows which form a key element of the fenestration and assist in defining the industrial use of the buildings and their building period.

- 7.8 A significant part of the development would involve the replacement of existing cast iron windows and timber windows throughout the building with a combination of aluminium powder coated and steel windows and this is a particular element of concern raised by a number of heritage bodies and indeed the Conservation Officer.
- 7.9 The revised Heritage Impact Assessment submitted by the applicant acknowledges the impact of the proposed replacement windows to the buildings' significance and external appearance but considers that this would represent 'less than substantial harm' and that the overarching public benefit of securing the optimum viable use of the asset outweighs the loss of the iron and timber fabric. The assessment advises that the existing windows are not fit-for-purpose and that replacement windows throughout are required to achieve adequate draft and sound insulation if the conversion is going to work commercially and provide 'attractive-to-market' flats. The statement further advises that timber windows, in particular on the St. Michael's Road elevation would require maintenance and repainting on a minimum 4-year frequency, with problems of accessibility due to the location and height of the building. This outlay every 4 years would be cost prohibitive to residents.
- 7.10 Considerable discussions and investigations have been ongoing with the applicant and Conservation Officer with regards to obtaining suitable window replacements, where demonstrated that it is required, that would remain sympathetic to the existing character, particularly in terms of size, openings and profiles, which would limit the harm to the appearance and significance of the heritage asset. Discussions with window companies thus far would indicate that suitable replacement windows are achievable. The existing planning and listed building consents are subject to a condition requiring justification for the removal or repair of each individual window and the submission and approval of further window details to ensure the impacts of replacement windows are acceptable. A condition is therefore proposed for current applications for the submission of a window conditions survey and details of replacement windows to be submitted for approval to ensure appropriate justification for any replacement windows is assessed and that where replacements are considered necessary, impacts on the integrity of the listed building are limited and that any replacement windows remain sympathetic.
- 7.11 The principle of subdivision of the buildings, the proposed glazed infill extension and two-storey extension on Dunster Street have been established through the grant of previous planning permissions and listed building consents.
- 7.12 The submitted Heritage Impact Assessment advises that the north lights are not fit-for-purpose and are dangerous and the Conservation Officer does not object to their removal.
- 7.13 The potential replacement of windows throughout the building will impact on the appearance of the listed buildings and proposed alterations will result in a degree of harm to the significance of these heritage assets. However, it is considered that approving suitable replacement windows would assist in ensuring that impacts are less than substantial. This harm must be weighed against the public benefits, including securing its optimum viable use.
- 7.14 The former factory and associated buildings have been vacant for a number of years and are falling into a state of considerable disrepair to the detriment of the listed building, conservation area and overall character of the area. The redevelopment of the site for residential use as proposed would bring this redundant building back into use and lead to the enhancement of these visually prominent Grade II listed buildings with the Conservation Area, which would further enhance the surrounding environment both socially and physically. The conversion to residential

use would also make a significant contribution towards housing need within the area. It is therefore considered, on balance, that the harm to the listed buildings would be outweighed by the public benefits whilst securing the optimum viable use for the building.

- 7.15 As there are outstanding objections from the Council for British Archaeology and the Victorian Society and the proposal includes the demolition/removal of internal staircases, under Sections 12, 15(1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, should Members be minded to approve the application for Listed Building Consent, the application will require prior referral to the Secretary of State.

Amenity

- 7.16 The proposed development represents an increase in the number of units to that previously approved, however the property is of a suitable size for conversion to the number of flats proposed with each flat having sufficient provision of daylight and outlook.
- 7.17 The site overlooks the rear elevations of Nos. 21 to 25 St. Michael's Road, however the development proposed would not increase the extent of overlooking or overshadowing from that of the existing building or approved under previous consents.
- 7.18 Sufficient refuse storage provision would be available on the ground floor.

Highways & Parking

- 7.19 The existing feeder lane to St Michael's car park situated opposite the site on St Michael's Road would be removed with the two main traffic lanes from the existing pedestrian crossing being diverted to the south side of the carriageway in order to move the traffic away from the building and provide for some additional 16 parking space along St Michael's Road. The Highway Authority has no objection to the proposed alterations which would be subject to a Traffic Regulation Order.
- 7.20 Parking within the vicinity of the site is on-street and controlled by permit parking. The application as submitted proposed basement parking accessed from Dunster Street providing 13 spaces with a further ground floor access from Overstone Road providing under-building parking for a further 28 vehicles. Proposed alterations to St. Michael's Road would provide additional parking for a further 16 vehicles. Due to concerns raised by Highways in relation to the in/out access proposed on Dunster Street, this element of parking has been removed from the scheme. The potential to provide a separate 'out' access would have led to unacceptable adverse impacts on the appearance of the listed building. The proposal therefore provides an overall of 44 spaces.
- 7.21 The applicant has also discussed the availability of parking within St. Michael's car park across the road with the Town Centre Manager and been advised that ample spaces are available on an annual permit basis at fixed rate.
- 7.22 It is acknowledged that parking provision is limited for the site. However, consideration must be given to the previous use of the premises as a factory and the number of employees. In addition, the site is in a sustainable location within close proximity to the town centre and public transport provision. A large proportion of the flats would be one bedroomed, where car ownership is generally lower. Parking within the area is controlled by permits and prospective occupiers would be aware of the restricted parking provision and the availability of parking within the adjacent car park. It is therefore considered, that the benefits of bringing the building back into use would outweigh the limitations on parking which in themselves are not considered to provide sufficient justification for refusing the application.

Affordable Housing, S106 and Viability

- 7.23 National Planning Guidance advises that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. A flexible approach should be taken in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 7.24 Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 7.25 Policy H2 of the JCS sets out a requirement for affordable housing at 35% for developments of 15 or more dwellings. This would equate to a requirement of 37 units within the development being affordable.
- 7.26 A viability assessment has been produced on behalf of the applicant assessing the viability of the proposal on the basis of a scheme with 35% affordable housing and a scheme assuming no affordable housing. The appraisal concludes that even without affordable housing or Section 106 developer contributions it would be difficult to achieve viability for the scheme and, if such were to be imposed then the development scheme would not be feasible. The Council's Quantity Surveyor has assessed the submitted viability report and confirmed that the scheme is not viable, and, if anything, cost may be higher than predicted in the assessment.
- 7.27 Based on the assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore undeliverable.
- 7.28 The County Council has also requested financial contributions towards the provision of primary and secondary education. There is no policy basis for the County Council's request for financial contributions towards fire and rescue, libraries and broadband and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122. No comments have been received from NHS England in respect of healthcare contributions.
- 7.29 A further requirement is for the provision of construction training, off-site open space and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.30 However, these contributions are also subject to the viability assessment as discussed above. Given the conclusions of the Viability Assessment and the Council's officers, it is acknowledged that the requirement for affordable housing and S106 contributions would result in the development being unviable and the site remaining undeveloped for a further period.

Other Matters

- 7.31 Conditions would be imposed in relation to contamination and noise mitigation to address the requirements of Public Protection. In view of the viability of the scheme it is not considered appropriate to request measures in relation to air quality mitigation. The site is in a sustainable location with good access to local facilities and public transport, which together with the limited parking availability would assist in controlling the level of car use arising from the development.
- 7.32 The site falls within Flood Zone 1 and there is no issue regarding to drainage. No objection has been raised by the Lead Local Flood Authority and the Environment Agency.

8. CONCLUSION

- 8.1 The proposal would bring about the development of a prominent and important group of listed buildings with the Conservation Area and within a residential area, the renovation of which, would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location with good access to the town centre and public transport and the conversion to residential use would make a significant contribution to the housing need and the Council's 5-year housing supply. The development would not lead to any significant or unacceptable adverse impacts on existing highway conditions or residential amenity.
- 8.2 It is acknowledged that the proposed alterations, in particular, the extent of replacement windows, would harm the appearance of the listed building, however, a condition is proposed to agree the detail of replacement windows and building materials to ensure details are appropriate and sympathetic to the historic integrity of the buildings such that the development would cause less than substantial harm. The benefits of the re-use of the building outlined above and securing an optimum viable use for the building are considered to outweigh this harm.
- 8.3 The redevelopment of the site for residential use as proposed would bring this redundant building back into use and lead to the enhancement of these visually prominent Grade II listed buildings with the Conservation Area, which would further enhance the surrounding environment both socially and physically. The conversion to residential use would also make a significant contribution towards housing need within the area. It is therefore considered, on balance, that the harm to the listed buildings would be outweighed by the public benefits whilst securing the optimum viable use for the building.
- 8.4 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied. Again, this consideration needs to be weighed against the benefits of bringing a derelict building back into use outlined above. On balance it is considered that the heritage, environmental and social benefits of the proposal outweigh the harm identified above and the application is therefore recommended for approval.

9. CONDITIONS

N/2015/0673 Planning

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. Notwithstanding the submitted detail, prior to the commencement of development, details of all proposed external facing materials including cladding, glazed blockwork, roof slates, replacement doors, 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 the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

3. Notwithstanding the submitted details, prior to commencement of development, a detailed window condition survey for all windows to be replaced or repaired shall be submitted to the

Local Planning Authority. A schedule, detailed elevations, profiles, cross sections and material samples of the proposed replacement windows, which shall be, other than in respect of materials, of a type, layout and means of opening which shall match the existing windows to be removed, shall be submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

4. Rooflights shall be conservation type rooflights and fitted flush to the roof.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in the interests of preserving such features in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This is a pre-commencement condition to ensure that investigation is carried out early.

6. The car parking, cycle and refuse storage provision shall be laid out in accordance with the approved details as shown on drawing nos. 1772/3 and 1772/6 received 19/05/16 prior to occupation of the development hereby permitted.

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

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, drawing nos. 1772/1 to 1772/24 and 1A/FACTORY WALL/2015.

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

8. Prior to the commencement of development, full details of a scheme for surface water drainage 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 flood prevention in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

9. The proposed highway works and parking restrictions to St. Michael's Road as detailed on drawing no. 1772/14 shall be carried and made available for use prior to the occupation of the development hereby permitted.

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

10. The development shall be carried out in accordance with the recommendations of the submitted Stage 1 Feasibility Road Safety Audit received 7 December 2015.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

11. No development shall take place until a desk top study, including a site walkover, in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

12. Where noise levels in any habitable room or amenity space exceed:
- Indoor areas – Laeq, 16H 35db window open, during the daytime period (07:00 -23:00)
 - Bedrooms – Laeq, 8H 30dB and L AMAX 45 dB (for 2+ events per hour) window open, during the night time period (23:00 – 07:00)
 - Outdoor Amenity Spaces – Laeq, 16H 50 DB

A scheme to protect any affected habitable rooms/bedrooms or outdoor amenity spaces shall be submitted to the Local Planning Authority for written approval. For habitable rooms/bedrooms this will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather. The development shall be carried out in accordance with the approved details prior to occupation of the development.

Reason: To ensure a satisfactory standard of amenity for proposed occupiers in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the submitted details and Condition 7 above, no 'Juliet' balconies shall be erected in the development hereby permitted.

Reason: To safeguard the integrity of the listed building in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

N/2015/0674 Application for Listed Building Consent

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Notwithstanding the submitted detail, prior to the commencement of development, details of all proposed external facing materials including cladding, glazed blockwork, roof slates, replacement

doors, 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 the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

3. Notwithstanding the submitted details, prior to commencement of development, a detailed window condition survey for all windows to be replaced or repaired shall be submitted to the Local Planning Authority. A schedule, detailed elevations, profiles, cross sections and material samples of the proposed replacement windows, which shall be, other than in respect of materials, of a type, layout and means of opening which shall match the existing windows to be removed, shall be submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

4. Rooflights shall be conservation type rooflights and fitted flush to the roof.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. No alteration or demolition shall take place until a programme of Building Recording to Level 2 as defined in 'English Heritage: Understanding Historic Buildings (2006)' shall be compiled, submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of historic asset research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

6. Any new or replacement rainwater goods shall be in cast iron, of a profile to be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the integrity of the listed buildings in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy.

7. Prior to installation, details of all vent, flues and extractor fans including locations, size, finish and colour shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the integrity of the listed buildings in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy.

8. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, drawing nos. 1772/1 to 1772/24 and 1A/FACTORY WALL/2015.

Reason: For the avoidance of doubt and to accord with the terms of the listed building consent application.

9. Notwithstanding the submitted details and Condition 8 above, no 'Juliet' balconies shall be erected in the development hereby permitted.

Reason: To safeguard the integrity of the listed building in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. BACKGROUND PAPERS

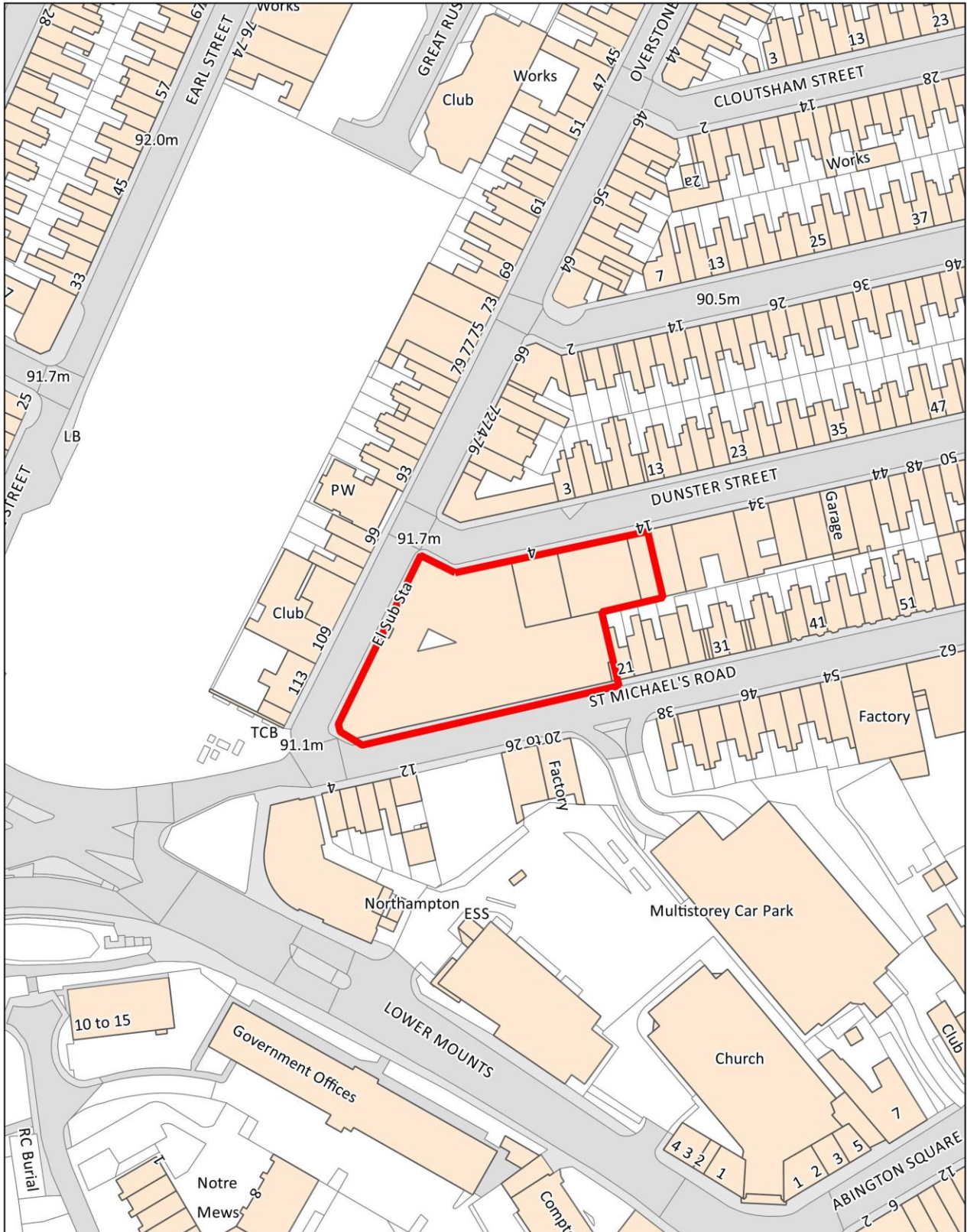
- 10.1 N/2015/0673 & N/2015/0674

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.



Title: **Hawkins Building, Overstone Road**

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Date: 14-07-2016

Scale: 1:1,250

Drawn by: -----