



PLANNING COMMITTEE: 17th March 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1645

LOCATION: Castilian Chambers, 2 Castilian Street

DESCRIPTION: Demolition of existing buildings and erection 23 no. apartments and 8 no. townhouses

WARD: Castle Ward

APPLICANT: Mr David Corley
AGENT: Rickett Architects Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development represents an efficient use of a brownfield site within a sustainable town centre location. The proposal would complement the mix of uses within the town centre and contribute towards the Council's 5-year housing supply. The amended design and appearance are considered an appropriate and sympathetic contrast to the surrounding heritage assets and the context of the Derngate Conservation Area, with any harm considered less than substantial and outweighed by the public benefit of the provision of housing and bringing this underused and unattractive site back into use. The proposal would not lead to any undue adverse impact on adjacent amenity, highway conditions or existing trees of visual amenity merit. 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 proposal is therefore considered to be in accordance with Policies SA, S1, S3, S10, S11, E1, H1, BN3, BN5, BN7, BN9, INF1 and INF2 of the West Northamptonshire Joint Core Strategy, Policies 1, 10, 15 & 16 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The application as originally submitted proposed a total of 95 apartments comprising a mix of 1-bedroom apartments and studios and included the demolition of No. 2 Castilian Street and No. 41 Derngate. The footprint of the proposed development comprised a 6-storey building extending from No. 2a Castilian Street and wrapping around the corner of the site and along the Derngate frontage, enclosing the site and views of Derngate Mews to the northeast of the site with no on-site parking provision.
- 2.2 Due to officer concerns regarding the scale, appearance, overdevelopment of the site, impact on the character and appearance of the conservation area and surrounding heritage assets and impact on neighbouring amenity, the scheme has subsequently been amended.
- 2.3 The amended scheme comprises the demolition of No. 41 Derngate, the retention and conversion of No. 2 Castilian Street to provide 2 x 2-bedroom townhouses, a 4-storey extension to the rear of No. 2 Castilian Street to provide 4 x 2-bedroom townhouses, and the erection of a 4-storey building including accommodation within the roof, fronting onto Derngate comprising 2 x 3-bedroom townhouses and 23 x 1-bedroom apartments, providing an overall total of 8 townhouses and 23 apartments. Vehicular access to the site would be via a gated access from Derngate to a parking area to the rear providing 8 parking spaces. Internal bin storage and bike storage would be provided within enclosed stores on the ground floor of the main building fronting Derngate. The mature tree on the corner of the site and younger tree to the front of No. 2 Castilian Street would be retained.

3 SITE DESCRIPTION

- 3.1 The application site is located with the town centre and Central Area as defined by the CAAP and lies within Derngate Conservation Area on a prominent corner of Castilian Street and Derngate. The site is approximately 0.12 hectares in size and comprises No. 2 Castilian Street, a former solicitors, and the adjacent car park and No. 41 Derngate, a detached two-storey property, formerly a dwelling and converted to office use but disused for some time. A large mature tree is located in the extreme western corner of the site within a raised area adjacent to the car park and protected by virtue of the Conservation Area.
- 3.2 The surrounding area is mixed in character with immediate properties to the south-east along Derngate comprising predominantly 19th Century 3-storey terraces with a mix of commercial and residential uses. Nos. 45 & 45a Derngate are residential properties located to the immediate east of the site with a brick wall extending across the remainder of the eastern boundary adjacent to an area of parking serving these residential properties and Derngate Mews, a two-storey building with attic rooms located in a courtyard formation to the north east of the site currently in commercial use. To the west of the site on the opposing side of Castilian Street is a more recent 5-storey residential development of flats above ground floor shops. Northampton Filmhouse and Derngate Theatre are located to the southwest. Castilian Street rises northwards along the western boundary of the site from Derngate and comprises of predominantly 3-storey traditional Victorian terraces with basements. A number of listed buildings are located within the vicinity of the site along Derngate to the south east of the site and Albion Place to the south, with the row of terraces directly opposite the site on Derngate identified as candidates for the Local List.

4 PLANNING HISTORY

- 4.1 N/2014/0694 - Demolition of 41 Derngate and construction of 7 town houses. Approved 6/05/15.
- 4.2 N/2002/808 - Conversion of covered way into an office and a 2-storey extension to rear at 41/43 Derngate. Approved 16/08/02.
- 4.3 89/1268 - Change of use from residential to offices at 41/43 Derngate. Approved 13/12/89.
- 4.4 2a Castilian Street – Prior notification of Change of Use from Offices (Use Class B1a) to Residential (Use Class C3) for 20 studio flats.

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), the Northampton Local Plan (1997) saved policies, the 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

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:

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

5.3 West Northamptonshire Joint Core Strategy (2014)

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

- Policy SA - Presumption in Favour of Sustainable Development
- Policy S1 - The Distribution of Development
- Policy S3 - Scale and Distribution of Housing Development
- Policy S10 - Sustainable Development Principles
- Policy S11 - Low Carbon and Renewable Energy
- Policy C2 - New Developments
- Policy H1 - Housing Density and Mix and Type of Dwellings
- Policy H2 - Affordable Housing
- Policy H4 - Sustainable Housing
- Policy BN7 - Flood Risk
- Policy BN9 - Pollution control
- Policy INF1 - Approach to Infrastructure Delivery
- Policy INF2 - Contributions to Infrastructure Requirements

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:

Policy 1 - Promoting Design Excellence
Policy 10 - Parking
Policy 15 - Office & Business Use
Policy 16 - Central Area Living

5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Derngate Conservation Area Re-appraisal and Management Plan 2019

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Conservation (NBC)** – the application site is prominent in views within Derngate Conservation Area and appears to have originally been the gardens of the late 19th century house at 2 Castilian Street. The site is used for parking and in its current condition detracts from the character and appearance of the area. The amended scheme retains No. 2, with an extension at the rear. The building fronting Derngate is now a single composition preserving views across the site of Derngate Mews. Demolition of the 1930s detached house on the site has previously been accepted. The scale of the revised proposal better reflects the character and appearance of Derngate Conservation Area and will have a similar impact to the previously approved application. The extension to the rear of 2 Castilian Street will have an acceptable impact on public views. The demolition of the 1930s house would be ‘less than substantial’, but outweighed by the wider public benefit of developing a site that presently detracts from the street scene. Request details of materials, doors, window surrounds and boundary treatments by condition.
- 6.2 **Arboricultural Officer (NBC)** – following the receipt of amended plans and clarification that the existing mature tree is to be retained raises no objection.
- 6.3 **Public Protection (NBC)** – request condition for noise assessment including regard to internal noise transfer, and a condition in for the control of any unexpected contamination. Suggest condition for construction working hours.
- 6.4 **Archaeology (NCC)** – request condition for archaeological programme of works.
- 6.5 **Historic England** – the amended scheme retains 2 Castilian Street, a building which contributes to the character of the area, and retains views through to the existing Mews buildings from Castilian Street and Derngate. The reduction in the buildings height now better reflects those of the surrounding built development, meaning the proposed buildings would no longer appear out of scale and overly dominant in the street scene, which would reduce the impact on the character and appearance of the Derngate Conservation Area and address previous concerns raised.
- 6.6 **Highway Authority (NCC)** – no objection. Request a condition for a construction traffic management plan and provision of 1 cycle space per apartment in a secure structure. Parking and access to be laid out in accordance with approved plans.
- 6.7 **Northants Police (Crime Prevention Design Advisor)** – pleased to note gated access to the site, the details of which can be conditioned. Cycle storage should be within fully private space where only residents can gain access, within building or secure lockable structure. Recommends measures for secure access control and mail delivery and that measures should be put in place to avoid unobserved and concealed areas for anti-social behaviour and rough sleeping.
- 6.8 **Development Management (NCC)** – due to accommodation proposed, expect that there will be minimal Early Years and Primary age pupils in residence, therefore no S106 obligation required. Request a condition for the provision of fire hydrants and sprinkler systems, S106 contribution

towards improvement, enhancement or expansion of library facilities and measures to enable required specification for superfast broadband.

- 6.9 **Lead Local Flood Authority (NCC)** – no objection subject to conditions for the submission, approval and implementation of a surface water drainage scheme for the site based on the submitted Flood Risk Assessment and Drainage Strategy, and a subsequent Verification Report following installation of approved drainage system.
- 6.10 **Environment Agency** – no comments to make.
- 6.11 **Anglian Water** – sewage system has available capacity for foul drainage. Surface water strategy unacceptable with no evidence to show that water hierarchy has been followed as stipulated in Building Regulations Part H. Suggest condition for surface water management strategy.
- 6.12 **Town Centre Conservation Advisory Committee** – the amended proposals are an improvement on the previous application and are acceptable in principle. However, whilst it is felt the scale and massing of the Derngate block was acceptable, the detailing is poor. The frontage is very bland in comparison to the detailing on No. 45. The details of the design do not enhance the character of the conservation area or setting of listed buildings in Derngate. The location deserves a high quality development, and the design should reflect this.
- 6.13 **Nene Clinical Commissioning Group** – request a financial developer contribution towards the provision of increased primary healthcare capacity to mitigate the impacts of the development.
- 6.14 A total of 30 objections were received from 26 residents on the application as originally submitted for 95 units. Comments received are summarised as follows:
- High density development resulting in overdevelopment of the site, inappropriate on prominent corner site.
 - Scale, massing, design and inappropriate use of materials out of keeping with conservation area.
 - Contrary to principles of good town planning and urban design.
 - Object to demolition of existing buildings which form part of the cultural quarter.
 - Would prefer the car park used instead as open recreation space or garden for any future development.
 - Airy open feel of this Georgian area will be lost.
 - Impact on Derngate and heritage assets, people come from all over the world to 78 Derngate.
 - 7 townhouses (previously approved) were much better prospect.
 - Impact on significant mature tree.
 - Loss of light and view.
 - Increased noise from residents.
 - Increased waste and visual impact of refuse storage.
 - Devalue property.
 - Insufficient parking and adverse impact on parking in area and attendees of theatre and cinema.
 - Suggesting residents will use cycles as a mode of transport is unrealistic.
 - Deterioration in traffic visibility at difficult crossing point.
 - Lack of infrastructure to accommodate 95 more flats.
 - Too high density, unnecessary and inadequate size for market. Question demand for more apartments in the town centre?
 - Risk that scheme is not financially viable.
 - Site currently unmanaged and has issues with rough sleepers, rodents and anti-social behaviour.
 - Impact on archaeology should be considered.
- 6.15 In respect of the amended scheme for 8 townhouses and 23 apartments, a further 6 objections have been received. Comments received on the amended scheme are summarised as follows:

- Amendment more modest, but remain concerned regarding overall design, bland modern appearance, lack of decorative detail, and window style, out of keeping with conservation area.
- Overdevelopment.
- On-site parking inadequate.
- Flood risk to basement properties.
- Inadequate bin storage.
- Given misuse of site, security conditions should be applied. Lack of security gates or provision for CCTV.
- Concern regarding proximity to protected tree and potential impact.
- Impact on setting of surrounding listed buildings.
- Bats have been filmed in Derngate.
- Impact from noise and disruption on surrounding area, including commercial businesses and traffic congestion during construction.
- Lack of space to store building materials and machinery during construction.
- Existing residential projects in the area remain unsold. Questioned the need for more flats and student accommodation in the town centre.
- Query level of occupation proposed for 2 Castilian Street without extending the height.
- Poor internal layout and design.

7 APPRAISAL

Principle of development

- 7.1 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up to-date development plan and that where the development plan is out of date Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.
- 7.2 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 The site is allocated for employment in the Central Area Action Plan (CAAP). Policy E1 of the Joint Core Strategy (JCS) seeks to retain employment sites unless it can be demonstrated that the site is no longer viable for employment use in the longer term. Notwithstanding this, the site has been vacant for some time and the principle of residential development of the site has previously been established with consent granted for the erection of 7 townhouses in 2015.
- 7.4 Policy H1 of the JCS seeks to ensure the provision of an appropriate mix and type of dwellings. Policy 16 of the CAAP allows for the provision of residential development within the Central Area comprising a mix of dwelling types, sizes and tenures. The proposal provides an appropriate mix of dwellings comprising 8 townhouses and 23 apartments, the provision of which would contribute towards the Council's 5-year housing supply and the mix of uses within the town centre. As such, the development is considered to accord with the requirements of the development plan in this regard.

Design and Layout and Impact on Heritage Assets

- 7.5 The application site forms a prominent site within the town centre and within Derngate Conservation Area. The Derngate Conservation Area Re-Appraisal and Management Plan (2019) acknowledges the overriding character of Derngate to the south-east of the application site which

is dominated by “finely proportioned 19th century terraces” and the “markedly different character”, of the western part of Derngate “with the street dominated by large buildings”, notably the Royal and Derngate Theatre and the Newton House building with shop units on the ground floor and residential above. No. 78 Derngate is a listed building of national significance located some 120m to the south-east of the application site. Castilian Street to the north of the application site is characterised by well-proportioned Victorian properties.

- 7.6 The site is currently underused and in its current condition detracts from the character and appearance of the area. Unsympathetic flat roof additions and alterations to the rear of No. 2a Castilian Street overlook the site and further detract from the appearance of adjacent buildings.
- 7.7 The scheme has been subject to significant amendment since the original submission in respect of the number of units proposed and the overall mass, scale and footprint of the development. The overall footprint has been broken up providing a visual break between the retained and proposed built forms allowing important views to be retained though to Derngate Mews. The amended scheme retains No. 2 Castilian Street and proposes the conversion of the property to 2 x 2-bedroom townhouses. In respect of external alterations to No. 2, the proposal includes some excavation of levels to the immediate front of the building to make it level with the existing adjacent parking area and to allow the insertion additional windows and a front door to the proposed townhouses. The ridge height of the existing hipped roof would be raised slightly by approximately 300mm, but remain lower than the adjacent property No. 2a Castilian Street, with roof lights inserted in the front roofslope. The tree to the immediate front of No. 2 is proposed for retention with a new pedestrian gated access proposed from Castilian Street and steps providing access down to the lower level. Details of the gate and boundary treatment along this frontage would be agreed by condition to ensure details are sympathetic to the existing character.
- 7.8 The existing flat roof extension to the immediate rear of No. 2 would be demolished and a 4-storey extension is proposed to the rear extending across the side elevation of No. 2a which has prior approval for conversion from office to residential use and the side facing windows of which have all been blocked up. The proposed extension would provide 4 x 2-bedroom townhouses with small outdoor amenity areas to the front enclosed by railings. The design is of a relatively simple brick built form generally set back from the side elevation of No. 2 Castilian Street and with a lower ridge height to provide a degree of subservience to the existing property, with plain window details, Juliette balconies and dormer windows.
- 7.9 To the front of this extension, and fronting onto Derngate, a new 4-storey building is proposed comprising 23 x 1-bedroom apartments and 2 x 3-bedroom townhouses. The design of the building is similar in appearance to the previously approved 7 townhouses on the site, albeit extending slightly deeper into the site with a staggered building line to the rear. Front doors would face onto Derngate providing an active frontage onto the street, with the building set back approximately 1m from the edge of the footway with a low boundary treatment of wall and railings to the front, the details of which would be agreed by condition. The building would appear as 3-storeys with rooms in the roofspace to reflect the character of adjacent building heights and would not exceed the height of the adjacent property at No. 45 Derngate. The design of the building is more contemporary in appearance with simplified window and door details in comparison to the surrounding buildings to the south-east along Derngate and to the north along Castilian Street. However, the design of the building represents a transition from the more detailed design and appearance of these heritage buildings to the larger scale and more simplified detail of the built form to the west of the site along Derngate and in the context of the Royal and Derngate Theatre and Northampton Filmhouse. The design reflects the rhythm of the adjacent terraces with the roof form broken up by parapets and chimneys. Due to the simplicity of the design, the execution and detailing of the scheme in respect of materials, door, window, balcony, chimney, roof light and dormer details remains an important factor in ensuring the scheme positively responds to the surrounding context and therefore notwithstanding the submitted amended plans, a number of conditions are proposed in this regard to agree precise details and ensure the scheme remains sympathetic to the character of the conservation area and surrounding context.

- 7.10 The concerns regarding the demolition of No. 41 are noted, however the building is not listed, and the demolition of the property would allow for the wider development of the site providing much needed housing within the area. It is also acknowledged that the development will reduce views of Derngate Mews from Derngate which is of some architectural merit. However, views of the property will be retained from Castilian Street and the Conservation Officer has no objection in this regard. English Heritage raises no objection to the amended scheme advising that the proposed buildings no longer appear out of scale and overly dominant reducing the impact on the conservation area and addressing previous concerns. The Conservation Officer has no objection to the scheme as amended subject to agreeing details as above. NCC archaeologist is satisfied that the development will not have any adverse impact on areas of archaeological interest subject to a agreeing a written scheme of investigation.
- 7.11 Vehicular access to the site would be via a gated access from Derngate and a pedestrian access from Castilian Street. Windows from the proposed dwellings would provide surveillance of the internal courtyard and parking areas and a condition is proposed to agree the details of security measures for the site.
- 7.12 The existing site fails to enhance the character and appearance of the conservation area, and whilst it is acknowledged that proposed scheme represents a contrasting built form to the existing predominant heritage character of the area, the design is considered to represent an appropriate transition between the historic and more recent development within this part of the conservation area. Any harm to heritage assets is considered to be less than substantial and outweighed by the public benefit of bringing the site back into use and the provision of much needed housing. As such, the proposal is considered in accordance with the requirements of the NPPF and the development plan.

Amenity

- 7.13 Policy H1 of the JCS reflects the aims of the NPPF with regards to amenity advising that development should have regard to the impact on the amenity of occupiers of neighbouring properties and the living conditions of future residents.
- 7.14 Nos. 45 and 45a are dwellings located to the immediate east of the site with main room windows facing towards the site. No. 45 has main lounge and first floor bedroom windows facing onto Derngate with a side dining room/kitchen window facing towards the application site. No. 45a has a front aspect and main windows facing towards the site but off-set to the northeast. Whilst the proposed Derngate block would be just under 12m in height and therefore be an increase in height to the existing two-storey property on site at No. 41, in view of the proximity of the existing property to these neighbouring windows, and that the proposed Derngate block would be set some 3-5m further away, it is not considered that it could be demonstrated that the combination of the increase in height and footprint of the development proposed, whilst located to the west, would lead to a significantly increased adverse impact in terms of overshadowing to the existing situation. The principle of a development of this scale and in the same proximity has previously been accepted. The only proposed windows facing towards these neighbouring properties would be two first floor side windows to a kitchen/living area in one of the proposed townhouses on an otherwise blank side elevation. The main windows to this room are front and rear, and only one of the side facing windows would look towards a side window on No. 45 Derngate. This window could be obscure glazed by condition to prevent any unacceptable overlooking. The nearest habitable room windows to the front of the proposed 4-storey block to the rear of No. 2 Castilian Street would be approximately 20m away from the front elevation of No. 45a Derngate and at an obtuse angle, such that it is not considered there would be any unacceptable overlooking or loss of privacy to the occupants of the existing property or occupants of the proposed dwellings.
- 7.15 The nearest habitable room windows on the northwest facing elevation of the Derngate block will be in excess of 21m from existing windows to the flats facing onto Castilian Street. The proposed building will be situated to the east of these neighbouring windows and whilst there may be some impact in respect of early morning light, due to the distance between the buildings, it is not considered any significant and unacceptable harm would occur. The right to a view is not a

planning consideration. Derngate Mews to the northeast of the site is in commercial use. Whilst part of the rear elevation of the proposed development would overlook this site, it would be in excess of 19m away.

- 7.16 In respect of the amenity of occupiers of the proposed buildings, the main aspect of the townhouses within the converted No. 2 Castilian Street would be towards Castilian Street with a limited number of secondary side facing windows which would be within very close proximity of the new Derngate block, approximately 5m at the closest point. These side facing secondary windows do not serve habitable rooms, with the exception of one ground floor window which provides a secondary window to a living room. Whilst this relationship is not ideal, in view that there is a larger front facing window serving this room and that the internal layout overall of the affected dwelling provides a good standard of living accommodation, it is not considered this relationship would cause any significant adverse impact on proposed residential amenity. However, a condition is recommended to make sure that this ground floor window would remain obscurely glazed and fix shut to reduce any overlooking impact. Overall, the design of these two townhouses provides a good standard of room sizes with sufficient provision of light and outlook.
- 7.17 In respect of the proposed townhouses to the rear of the No. 2 Castilian Street, the front facing habitable room windows will be in relatively close proximity of the rear elevation of the Derngate block with distances ranging from approximately 9m at the closest point to 15m. The closest townhouse to this block has been designed such that the windows of the first floor living/ kitchen area and second floor bedroom are angled away from the Derngate block to allow for a more acceptable outlook. The closest windows to the rear of the Derngate block would serve a stairwell and could be obscure glazed by condition. The nearest habitable room windows on the front elevation of the proposed townhouses and the rear facing habitable room windows on the Derngate block would be approximately within 12m of each other however, the Derngate block windows would be angled away and the separation distances between the two blocks and distance between habitable room windows increases towards the east of the site. Whilst it is acknowledged that the relationship between the two buildings and habitable room windows is in relatively close proximity and will present a degree of overlooking between some proposed habitable room windows, the relationship between the two buildings will be evident to proposed occupiers and furthermore, it is not unusual within a town centre location to have a tighter urban grain and buildings within closer proximity of each other. On balance, it is considered that a reasonable level of amenity could be provided and that this is not sufficient reason to refuse the application on this basis.
- 7.18 In respect of the Derngate block, both the townhouses and apartments would be provided with a good level of outlook and light, with the exception of three of the apartments to the rear which would have a slightly reduced outlook as discussed above. In respect of unit sizes, the smallest apartment would be in excess of 30m² internally providing an acceptable level of living accommodation.
- 7.19 Two internal refuse storage areas are proposed on the ground floor of the Derngate block, the details of the management of which will be secured by condition. Whilst the proposal, with the exception of small external areas to the front of the townhouses to the rear of the site, makes little provision for external amenity space, this is not unusual in a town centre environment and the application site is within walking distance of recreational space at Beckett's Park to the south of the site.
- 7.20 On balance, it is considered that the site would not lead to any unacceptable impact on existing or proposed residential amenity and is therefore considered acceptable in this regard.

Highways

- 7.21 Vehicular access to the site would be from Derngate via a secure gated access, the details of which would be agreed by condition. 8 unallocated parking spaces would be provided within the site with secure enclosed cycle storage for a minimum of 24 bikes as required by the Highway Authority. It is acknowledged that the site makes limited provision for parking, however, the site is

in a sustainable location within the town centre with good access to local facilities and public transport. The Highway Authority raises no objection subject to parking being provided as proposed. A condition is proposed to secure a scheme for EV charging points within the site in accordance with the Council's Parking SPD.

Flood Risk and Drainage

- 7.22 The site lies within Flood Zone 1 considered as having a 0.1% chance of flooding in any year. The application is supported by a Flood Risk Assessment which has been assessed by the relevant drainage bodies. Subject to a condition to secure an appropriate and detailed surface water drainage strategy the relevant drainage bodies raise no objection. Anglian Water has confirmed sufficient capacity for foul drainage.

Tree Issues

- 7.23 The existing mature False Acacia located in the western corner of the site is a prominent feature of the site and the conservation area. The tree and adjacent younger tree to the front of No. 2 Castilian Street are currently afforded protection by virtue of their location within the conservation area and in any event are both proposed for retention. To ensure the trees' protection and retention conditions are proposed to agree details of surface treatment and method of construction within the theoretical root protection area and protection measures during construction.

Section 106 Obligations and CIL

- 7.24 Paragraph 54 of the NPPF advises that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.25 Paragraph 56 advises the planning obligations must only be sought where they meet the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 7.26 Paragraph 57 of the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence under pinning is up-to-date. National planning guidance advises that an assumption of between 15-20% of gross development value is a suitable return for developers in order to establish viability.
- 7.27 The application is supported by a Viability Report which has been subject to independent assessment on behalf of the Council. The applicant's submitted viability report assumes a profit of 20%. The independent assessment has assumed a profit of 18.5%. Notwithstanding the lower profit assumption, the assessment concludes that the scheme would be unviable with the provision of any affordable housing or S106 contributions. Based on this assessment, it is considered that it would therefore not be reasonable to require any affordable housing provision on the site, or S106 contributions, which would make the scheme unviable and therefore undeliverable.
- 7.28 The County Council has requested the provision of fire hydrants and S106 financial contributions towards libraries, however, there is no policy basis for this and, it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.29 Nene Clinical Commissioning Group has requested contributions towards primary healthcare provision associated with the impacts arising from the development. However, these contributions would be subject to the viability assessment as discussed above. Given the conclusions of the viability assessment, the requirement for any contributions would result in the development being

unviable and the site remaining undeveloped for a further period. This is a material consideration in determining the planning application.

- 7.30 The development would be subject to CIL payments in respect of the new build elements proposed.

Other Considerations

- 7.31 In line with the requirements of Environmental Health conditions are proposed for the control of any unexpected contamination and a construction management plan to ensure any impacts arising during construction on surrounding amenity and also the highway are appropriately controlled. In respect of internal noise mitigation between units, this is a matter for control under Building Regulations.
- 7.32 The scheme involves the demolition of part of No. 2 Castilian Street and No. 41 Derngate. Whilst the presence of bats has not been identified within the site, there is separate legislation under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) to ensure the appropriate protection of bats should circumstances alter on site.

8 CONCLUSION

- 8.1 The proposal would bring about the development of an underused and unattractive site within a prominent location within the town centre and Derngate Conservation Area. The amended design and appearance are considered an appropriate and sympathetic contrast and response to the surrounding heritage assets and the context of the Derngate Conservation Area with any harm considered less than substantial and outweighed by the public benefit of the provision of housing and bringing this underused and unattractive site back into use. The proposal would not lead to any undue adverse impact on adjacent amenity, highway conditions or existing trees of visual amenity merit and would provide an acceptable level of amenity for proposed occupiers. 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 proposal is therefore considered to accord with the requirements of the NPPF and the development plan.

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 schedule of approved plans.

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

- 3) Details of all proposed external facing materials including window, door and balcony/balustrade details shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

- 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) Prior to the commencement of any works above slab level, drawings of a scale of 1:10 showing sections and clearly showing depth of reveals for windows 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 visual appearance of the building and visual amenity of the surrounding area to ensure that the extension harmonises with the existing building in accordance with Policy 1 of the Northampton Central Area Action Plan.

6) Prior to occupation, a detailed scheme of hard and soft landscaping for the site including parking areas and the proposed steps, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Hard landscaping shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted.

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

8) Prior to commencement on site, a detailed Method Statement for proposed surface treatment works within the theoretical root protection area of the mature tree proposed for retention in the western corner of the site shall be submitted for approval in writing by the Local Planning Authority. The Method Statement should be in line with the guidance provided within BS5837:2012 Trees in relation to design, demolition and construction – Recommendations and shall include details of no dig construction methods. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the preservation of the tree and visual amenity of the surrounding area in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy. The condition is required pre-commencement to ensure sufficient protection of the tree from the start of development works on site.

9) All trees shown to be retained in the approved plans shall be protected for the duration of the development in line with the protective fencing detailed within BS5837:2012 Trees in relation to design, demolition and construction – Recommendations and maintained on an alignment to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In the interests of the preservation of the tree and visual amenity of the surrounding area in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

10) Notwithstanding the submitted details, prior to occupation of the development, full details of the method of the treatment of the external boundaries of the site together with individual plot

boundaries and including the vehicular access gate and pedestrian gate, shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

11) The vehicular access and parking area shall be laid out in accordance with the approved plan prior to occupation of the development hereby permitted and retained thereafter.

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

12) Prior to the occupation of the development hereby permitted, a scheme for the provision of electric vehicle charging points in accordance with the requirements of the Northampton Parking Standards Supplementary Planning Document (2019) or any subsequent replacement, shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the development hereby approved.

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

13) In respect of the proposed building fronting onto Derngate, the right hand side first floor east elevation kitchen/living room window to Unit 8 and all windows to the rear elevation serving the stairwell shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

14) Notwithstanding the submitted details, the ground floor window to the side of Unit 1 as shown on the approved plan shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority and fixed shut before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

15) Notwithstanding the submitted details, prior to occupation of the development hereby permitted, details for storage and management of waste and recycling storage facilities shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details prior to occupation and maintained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

16) Notwithstanding the submitted details, prior to occupation of the development hereby permitted, full details for the secure and covered parking of bicycles shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details prior to occupation and maintained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, additional windows or dormer windows shall be erected to the dwellings hereby permitted.

Reason: In the interests of amenity and to prevent overdevelopment of the site in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

18) Prior to occupation of the development hereby permitted, a crime security measures strategy for crime prevention measures (including but not limited to details of CCTV, access controls, lighting and management) for the development shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted and maintained thereafter.

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

19) Notwithstanding the submitted details, prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Details of site storage for materials and machinery;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

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

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

21) Before any above ground works commence, full details of the surface water drainage scheme for the site, based on the submitted Flood Risk Assessment & Drainage Strategy ref 12864-FRA & Drainage Strategy-01-V2 rev Third Issue dated February 2020 prepared by Waterco, shall be submitted for approval 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 cross-referenced supporting calculations that indicate a maximum discharge of 2 l/s.
- 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) Details of permeable paving.
- v) a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site

Reason: To reduce the risk of flooding both on and off site and ensure the future maintenance of drainage systems associated with the development in accordance with the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

22) 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 & Drainage Strategy ref 12864-FRA & Drainage Strategy-01-V2 rev Third Issue dated February 2020 prepared by Waterco, has been submitted to 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 that the system is free from defects, damage and foreign objects
- f) Confirmation of adoption or a maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in the interests of reducing flood risk in accordance with the requirements of the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

23) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with the requirements of Policies BN9 and S10 of the West Northamptonshire Joint Core Strategy.

24) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

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

(iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To allow archaeological investigations to be made and sufficient mitigation to be secured in an area where remains of considerable archaeological remains are understood to exist in accordance with the requirements of the National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

10 BACKGROUND PAPERS

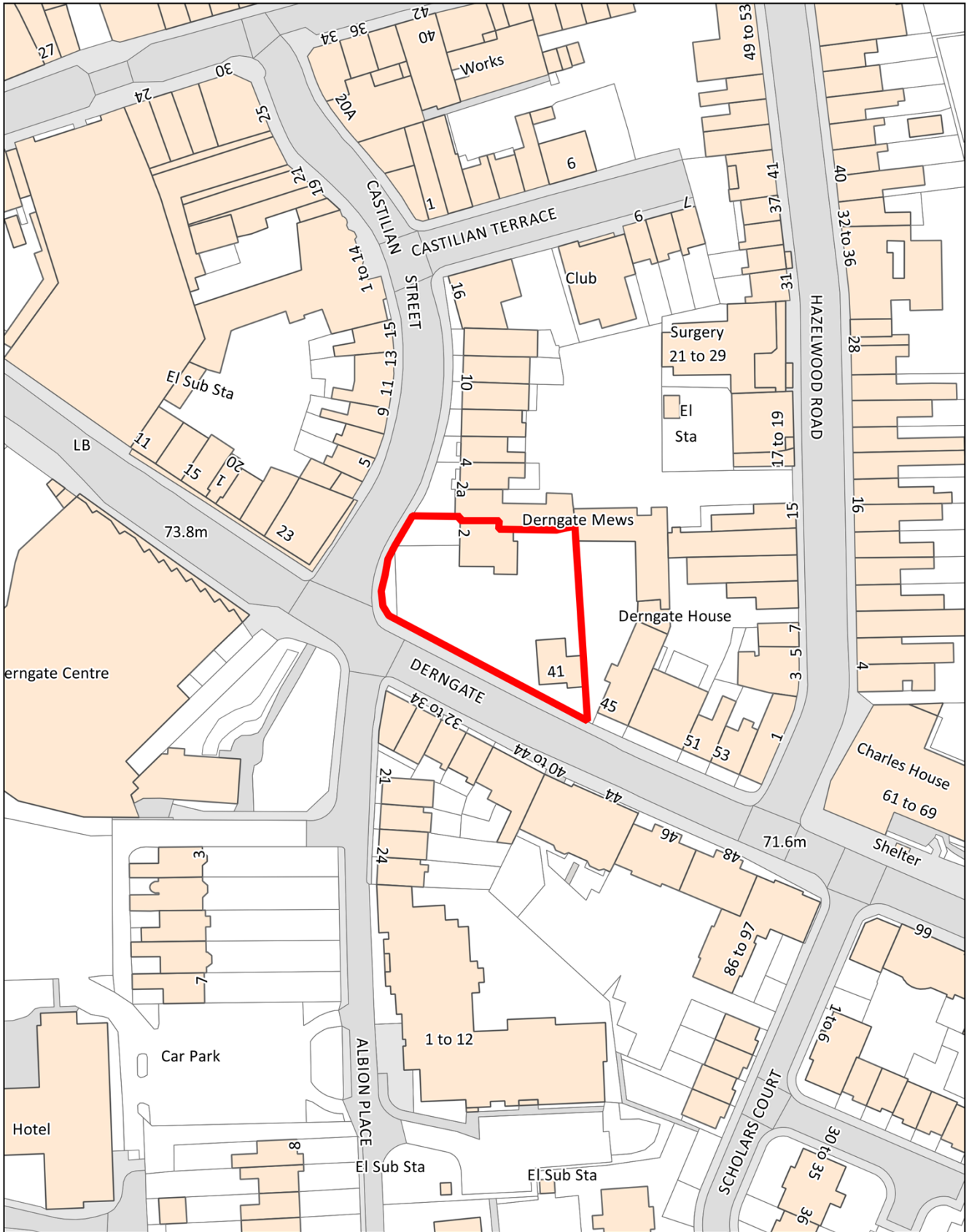
10.1 N/2018/1645.

11 LEGAL IMPLICATIONS

11.1 The development is CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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



NORTHAMPTON
BOROUGH COUNCIL

Title: **Castilian Chambers, 2 Castilian Street**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 06-02-2020

Scale: 1:1,000

Drawn by: -----