



Applicants:

Lagan Homes

Application No:

10/0027/FULWNN

Date Registered:

02.03.2010

Expiry Date:

14.06.2010

Ward:

Billing

# Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 13.07.2010

Agenda Item: 4

**Description:** Partial demolition of Pearce Leather Works and outbuildings with remaining building to be office use. Erection of new screen wall to enclose retained part of building and alterations to business area parking. Construction of 126 dwellings (including conversion of existing Power House to 6 units), associated highway works, public open space, landscaping and ancillary works.

**Address:** W Pearce & Co Ltd, Wellingborough Road, Northampton, Northamptonshire, NN3 9BG

---

## 1. Recommendation

For the reasons set out below, **APPROVAL** with authority being delegated to the Director of Planning Services to grant planning permission subject to:

Secure the prior completion of a Section 106 obligation in accordance with the terms identified in this report or such amendment or additional obligations as the Director of Planning Services may consider appropriate in the circumstances and;

The conditions set out in this report including any additional conditions or amendments to the draft conditions as the Director of Planning Services may consider appropriate to secure an acceptable form of development;

## Reasons for approval

The proposed development will secure the long term future of two listed buildings through the delivery of a high quality, well designed residential development. It will result in the redevelopment and decontamination of a brownfield site within the urban area of Northampton, thus meeting local and national policy guidance. The associated impacts that the development would create can be mitigated through the use of appropriate planning conditions and reasonable s. 106 contributions. As such the proposed development would not cause significant harm to the historic and architectural character of the listed building, its setting, the visual amenities of the wider area, adjoining properties, highway safety or any other impact that would warrant the refusal of the planning application.

Following an assessment of the material planning issues it is considered that the proposal accords with Policies 1, 2, 3, 11, 13b, 18, 29, 32, 35, 36, 39, 43, 45 and 46 of the East Midlands Regional Plan (2009); saved policies B14, E1, E6, E11, E17, E19, E20, E40, H7, H32, L4, L6 AND T4 of the Northampton Local Plan; and the contents of PPS1, PPS4, PPS5, PPS10, PPG13, PPS22, PPS23, PPG24 and PPS25.

## 2. Summary

- 2.1 This is a full planning application for the partial demolition of the existing listed factory building with the remaining building to be converted to office use. The listed Power House is proposed to be converted to 6 no. residential units and an additional 116 residential dwellings are proposed on the remainder of the site.
- 2.2 The application before the Committee is effectively a revised scheme to two previous planning applications submitted back in 2006. They comprised an outline and a full application. Taking the latter first, this application (ref: 06/0012/FULWNN) was for the partial demolition of the factory building, conversion of the remaining building to offices, conversion of the Power House to 6 no. residential units and erection of 85 no. apartments on the footprint of the demolished factory building. The outline planning application (ref: 06/0011/OUTWNN) was for residential development including open space on the remainder of the site between the factory building and fishponds road.

- 2.3 Both of those applications were presented to the Planning Committee on the 16<sup>th</sup> January 2007 and resolutions were made to grant planning permission subject to the completion of a section 106 agreement. A single agreement covering both sites was drafted and was signed by both the WNDP and W. Pearce & Co. However, due to an issue between W. Pearce & Co. and Lagan Homes, the s. 106 agreement was never completed. Lagan Homes have now purchased the site.
- 2.4 The submission of a detailed planning application for the entire site is a more preferable approach providing greater certainty of the overall quality of the proposed development, especially bearing in mind that the setting of the listed building is a key consideration in the determination of this application.
- 2.5 Apart from the fact that the current application is a full application, the other key difference to note is that the overall quantum of development has now decreased, fundamentally due to the fact that the 85 new build apartments are now replaced by 27 new dwelling houses. This is in direct response to the current economic climate and the lack of demand for apartments.
- 2.6 Following the initial submission of the application and the subsequent consultation process, in response to which a number of objections were received, the application has been amended and supplementary supporting information submitted. This comprised the following:
- Revised layout to provide a 5m wide landscape buffer along the western boundary of the site;
  - Air Quality Assessment;
  - Ground Investigation Reports;
  - Ecological Report and Surveys; and
  - Arboricultural Survey.
- 2.7 Following a further period of consultations the technical concerns have predominantly been addressed to the satisfaction of the respective statutory consultees, with those issues still outstanding, namely flood risk and ecology, expected to be resolved prior to the committee meeting. On this basis the application is now put forward for approval. The main issues for the Committee to consider are the principle of development in

this location, the setting of the listed building, design and layout issues, highway matters and other associated material planning considerations. It should also be noted that discussions regarding the appropriateness and levels of financial contributions are ongoing and it is hoped resolved before the committee.

### **3. Description of Site**

- 3.1 The site lies in the eastern district of Northampton between Wellingborough Road and Fishponds Road. It was formerly a site occupied by Pearce Leatherworks, a company which occupied the site since 1939. The site had been used for the production of leather since its construction up until 2001, apart from a period during the Second World War when the building was used for the aircraft component production. The use ceased in 2001 due to competition from abroad and since that time the buildings have remained empty and unused except for short-term small operations using parts of the building.
- 3.2 The site comprises in total 5.47ha of land that is occupied by Grade II listed buildings comprising offices, a factory, powerhouse, garages, piers, gates and a forecourt pool. There are various other buildings located within the site that are not included in the listing. To the rear of the buildings is an unmaintained area of open land. The buildings were formally listed in January 2002.
- 3.3 The site changes in topography sloping down from Wellingborough Road towards Fishponds Road. There is also a significant change in levels towards the southern section of the site as it slopes down from west to east. As mentioned previously, the site has been unmaintained and is generally overgrown. There are a number of trees on the site and the majority of the site boundaries are also subject to mature planting.
- 3.4 The site benefits from a number of access points. The main entrance serving the site is derived from Wellingborough Road. There are also two access points onto Fishponds Road which have been blocked up but which once served the rear part of the site as evidenced by the remaining hard surfaced areas on the site.
- 3.5 The surrounding area is predominantly residential in character. Immediately adjacent to the western boundary are residential properties in Ashmead. To the south on the opposite side of Fishponds Road is further residential development. Along the eastern

boundary of the site there is no built development apart from some residential properties that are accessed from just off Wellingborough Road. To the north side of Wellingborough Road is a college. The application site does not encompass all of the site that was originally Pearce Leather Works. The remaining part of the site which is retained in Pearce & Co's ownership has two 'workers' cottages.

#### **4. Description of Proposal**

4.1 The proposal is for the partial demolition of the existing factory building and outbuildings, with the remaining building to be retained as office use comprising 1685m<sup>2</sup> of floorspace. The building to be retained comprises the art deco building with the building being demolished constituting the former factory building to the rear of the offices. On the footprint of the factory it is proposed to erect 27 houses, which are proposed to be of art deco design. A new screen wall is proposed which will provide a link between the retained listed building and the proposed new dwellings. The works to the listed buildings are subject to a listed building consent application, currently being considered by Northampton Borough Council.

4.2 The powerhouse building which is located adjacent to the main building is retained and converted to six flats with associated parking. To the rear of the existing buildings on the undeveloped part of the site, it is proposed to construct a further 93 houses. Overall the proposals will provide the following mix of dwellings:

- 19 no. 2 bed houses;
- 65 no. 3 bed houses;
- 34 no. 4 bed houses;
- 5 no. 2 bed flats;
- 5 no. 3 bed flats; and
- 1 no. 4 bed flat/maisonette;

4.3 Of the total 126 dwellings, 10 of those will be affordable comprising 4 no. 2 bed houses and 6 no. 3 bed houses. The number of affordable dwellings proposed is the same as

those proposed and resolved to be approved as part of the previous applications for the site.

- 4.4 The development will be accessed from three different vehicular access points. The commercial office space will be accessed via the existing access on Wellingborough Road. The residential development will be accessed via two points on Fishponds Road. Those points were previous vehicular accesses but have been blocked up since the cessation of the factory use on the site. The commercial and residential elements of the proposal will remain separate and it will not be possible for example to drive through the site from Wellingborough Road to Fishponds Road.

## 5. Policy Considerations

### 5.1 **WNDC Purpose:**

Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

### 5.2 **National Planning Policy Guidance**

The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application:

PPS1	Sustainable Development
PPS1	Sustainable Development: Planning and Climate Change
PPS4	Sustainable Economic Growth
PPS5	Planning and the Historic Environment
PPS 9	Biological and Geological Conservation
PPS10	Planning for Sustainable Waste Management
PPG13	Transport
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flooding.

### 5.3 **Development Plan:**

The Development Plan documents for the area comprise;

The East Midlands Regional Plan (RSS8) (2009);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);

The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);

The Northampton Borough Council Local Plan (NBLP) (1997) (saved policies).

### 5.4 **The East Midlands Regional Plan (RSS8) (2009) relevant policies;**

Policy 1	Regional Core Objectives;
Policy 2	Promoting Better Design;
Policy 3	Distribution of New Development;
Policy 11	Development in the Southern Sub Area;
Policy 13b	Housing Provision (Northamptonshire);
Policy 18	Regional Priorities for the Economy;
Policy 29	Priorities for Enhancing the Region's Biodiversity;
Policy 32	A Regional Approach to Water Resources and Water Quality;
Policy 35	A Regional Approach to Managing Flood Risk;
Policy 36	Regional Priorities for Air Quality;
Policy 39	Regional Priorities for Energy Reduction and Efficiency;
Policy 43	Regional Transport Objectives
Policy 45	Regional Approach to Traffic Growth Reduction
Policy 46	A Regional Approach to Behavioural Change

### 5.5 **The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) relevant policies;**

Policy 1 (Spatial Framework Locational Growth);

Policy 3 (Sustainable Communities);

Northamptonshire Policy 1 (The Spatial Framework);

Northamptonshire Policy 2 (Northampton Implementation Area).

5.6 **The Northamptonshire County Structure Plan (NSP) (2001) (relevant saved policies);**  
SDA1 Strategic Development Areas

5.7 **The Northampton Borough Council Local Plan (NBLP) (1997) relevant policies;**

B14 Development for non-business uses in business areas

E1 Landscape & Open Space

E6 Greenspace

E11 Hedgerows, trees and woodland

E17 Nature Conservation

E19 Implementing Development

E20 New Development (Design)

E40 Crime and Vandalism

H7 Housing Development

H32 Affordable Housing

L4 New local recreational land

L6 Maintenance of open space

T4 Transport for Major Development

5.8 **Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)**

Northamptonshire County Council Planning Out Crime (2005);

Northamptonshire County Council Parking (2003);

Northamptonshire County Council Waste SPD (2007)

5.9 **Other non-statutory documents**

WNDC Planning Principles (2009)

Set out in this document are WNDC's three corporate objectives:

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester;
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration;

3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

WNDC Planning Obligations Strategy (POS):

- 5.10 The Planning Obligations Strategy sets out WNDC's approach to planning obligations, in particular, the arrangements for a 'standard charge' to be applied to new residential development within WNDC's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needs across WNDC's area to deliver sustainable growth. Funding secured through planning obligations will be used alongside other sources of funding to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time so that the growth and regeneration aims for the area are achieved. The POS is currently under review.

WNDC Manual for Design Codes:

- 5.11 The West Northamptonshire Manual for Design Codes sets out a framework within which to develop a Design Code whilst emphasising the urban and rural characteristics of West Northamptonshire. The manual aims to provide clarity and consistency in the formulation of Design Codes.

## 6. Consultations

- 6.1 **NBC Development Control:** No objections in principle subject to the comments of the Environmental Health Officer and Conservation Officer being taken into account and subject to the provision of a phasing plan for the development of the site as a whole to ensure that the listed buildings are found a sustainable future prior to the completion of the development of the site.
- 6.2 **NBC Environmental Health:** Objected to the original submission as the application did not include a ground condition report to establish the risk of contamination on the site or an assessment of the air quality impacts of the development. Following the submission of the required information, it was confirmed that the site investigation reports were satisfactory and demonstrated that the site was capable of being suitable for residential use. Recommend attaching conditions regarding further site investigation works including gas and ground water monitoring. With regard to the Air

Quality Assessment, whilst the methodology of the report has raised concerns, it has been confirmed that the conclusions of the report are acceptable and there is unlikely to be any incidences of the air quality objectives as a result of the development.

6.3 **NBC Housing Strategy:** Despite a resolution to grant outline permission in 2006 which provided only 10 affordable units, the s. 106 was never signed. As such the comments revert back to current NBC affordable housing policy and related requirements:

- 35%, equating to 44 units;
- Clusters of between 8 and 12 in size depending on layout;
- Code for Sustainable Homes Level 4;
- 10% to be to mobility standards;
- The RSL to be agreed with NBC Housing Strategy.

6.4 **NBC Conservation:** Initial response raised concerns regarding the reduction in space between the listed building and the new development, how car parking is accommodated adjacent to the listed building, the lack of design detail of the garage doors and the potential for visual impact from activity on the roof terraces. Following the submission of revised and additional plans, further comments have been received. Original concerns expressed regarding car parking and space between the listed building and the new development has been eased. Still express concern regarding lack of design detail of the garage doors and the potential for visual impact from activity on the roof terraces. Recommend attaching conditions for surface materials, landscaping, railings, seating, landscape features and garage doors.

6.5 **NCC Sustainable Transport:** Comments to be reported verbally.

6.6 **NCC Key Services:** Request financial contributions in line with their Planning Obligations and Framework Guidance Draft 2008 towards libraries and fire and rescue.

6.7 **NCC Education:** The development would generate 30-38 primary school aged pupils and 25-28 secondary school aged pupils. Unity College has sufficient capacity to cater for the secondary school pupils and a contribution is therefore not sought. However, available primary places are an issue and therefore in line with the Planning Obligations

and Framework Guidance Draft 2008, a contribution towards primary school places is sought.

6.8 **Northamptonshire Police:** No formal objections to the proposals but make a number of comments:

- Pleased to note the overlooking of car parking spaces and active edges to the development;
- Concern about the provision of comprehensive network of open spaces across the site and how it will be managed;
- Footpath link to Wellingborough Road from Fishponds Road raises safety concerns;
- Permeability of the site is of concern. Looks possible to freely wander the site both on foot and bicycle;
- Recommend electronic gates to rear courtyards

6.9 **Northamptonshire Fire and Rescue:** No comments received.

6.10 **Wildlife Trust:** The Wildlife Trust is in general agreement with most of the content and scope of the Ecological Assessment but wish to draw attention to a number of issues. These concern the need for further survey work of a range of species to be undertaken, the need to address Green Infrastructure requirements and lack of species information for the landscaping. Recommend consultation with Natural England.

6.11 **Natural England:** No formal response has been received from Natural England to the Phase 1 Ecological Report. However, the applicant's consultants have been liaising with Natural England regarding the survey work required. Further comments received will be updated to the committee.

6.12 **Anglian Water:** No objections. Confirm that there is sufficient water resource capacity to supply the development, the development can be supplied from the network system that has adequate capacity, the foul flows can be accommodated within the foul sewerage network system, there is available capacity at Great Billing Sewage Treatment Works, need to seek views of EA regarding surface water drainage.

- 6.13 **Environment Agency:** Objected to the original Flood Risk Assessment submitted as it has not been demonstrated that there is sufficient water infrastructure within the proposed phasing of development, inadequate information supplied to demonstrate that risks posed to groundwater can be satisfactorily managed, inadequate information supplied to demonstrate that surface water run-off (on-site and/or off-site) is effectively managed.
- 6.14 A revised Flood Risk Assessment was submitted along with the site investigation report. Confirmation received that the previous objection received on the grounds of lack of water infrastructure and risks to groundwater is now withdrawn. However, previous objection received on the grounds of flood risk is maintained.
- 6.15 **Highways Agency:** No objections subject to a condition securing a travel plan for the development.
- 6.16 **English Heritage:** Do not wish to offer any comments, the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 6.17 **Councillor David Palethorpe:** No comments received
- 6.18 **Councillor Christopher Malpas:** No comments received

## 7. Notifications and Responses

- 7.1 A number of site notices were posted along Fishponds Road and Wellingborough Road along with notifications to adjoining properties on two occasions, the original submission and upon receipt of additional information and revised plans.
- 7.2 Original submission – 10 letters of objection and a petition of 58 signatures received objecting on the following grounds:
- Contrary to planning policy;
  - Low level of affordable housing provided;
  - Low level of open space and no play area;
  - Loss of trees;
  - Loss of wildlife habitat;

- No Environmental Impact Assessment submitted;
- No contamination assessment;
- No Community Engagement;
- Inadequate Flood Risk Assessment, flooding problems in the area;
- No landscape buffer between new dwellings and existing properties in Ashmead;
- Overdevelopment of the site;
- Traffic impact upon the roads;
- Impact upon view;
- Impact upon privacy and overlooking;
- Not in keeping with surrounding properties and storey heights;
- Noise pollution;
- Air pollution;
- Not enough sewage capacity;
- Impact from the construction process;
- Crime as result from cut through along Ashmead;
- Inadequate parking to serve the offices;
- Query over the type of offices;
- Lack of pedestrian access to Wellingborough Road.

7.3 Additional Documents and revised plans – 3 objections received on the following grounds:

- Who will be responsible for maintenance of the landscape buffer;
- Security concerns surrounding the buffer;
- The landscape buffer should be included within the new plots;
- Ecology report is inadequate;
- FRA not adequate as it only considers the site;
- Contamination concerns;
- Condition of Fishponds Road and impact from traffic;
- Impact on the open space at Ashmead;
- Increase in crime;
- Need for fencing around the open space or contribution towards Parish Council for local initiatives.

## 8. Relevant Planning History

8.1 06/0011/OUTWNN – Residential development including area of open space and provision of access to the factory site. Resolution to grant planning permission 16<sup>th</sup> January 2007 subject to completion of a legal agreement.

8.2 06/0012/FULWNN – Demolition of the factory. Re-use and extension of offices and erection of 85 apartments on footprint of existing factory. Conversion of powerhouse to 6 apartments. Resolution to grant planning permission 16<sup>th</sup> January 2007 subject to completion of a legal agreement.

8.3 Following the resolution of the Planning Committee, a single section 106 agreement was drawn up to cover both applications. The obligations/contributions to be secured were as follows:

- Ten affordable units;
- Community development contribution - £10, 000;
- Construction Skills Co-ordinator Contribution - £10, 000;
- Design Code;
- Education contribution - £60, 000;
- Highway and public transport contribution - £10, 000;
- Open Space Strategy;
- Public Art Strategy – payment of £100 per dwelling;
- Sustainability Strategy.

8.4 The contributions to be secured were subject to financial viability testing at the time utilising the Three Dragons Model.

## 9. Appraisal

9.1 The following considerations are relevant to the determination of this application:

- Principle of development
- Design and Impact upon the character of the area
- Impact upon setting of listed building

- Crime and Security Considerations
- Landscaping and Open Space
- Impact on neighbouring amenity
- Impact on the amenities of future residential occupiers of the site
- Highway Considerations
- Environmental Impact Assessment
- Flood risk and Drainage
- Ecology
- Sustainability
- Other Issues
- Section 106

### **Principle of development**

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.3 Within the Northampton Borough Local Plan that part of the site occupied by the factory building is allocated for business purposes by Policy B14, whilst the eastern part of the site fronting onto Fishponds Road is designated as Green Space by Policy E6. These policies were in effect at the time at which the two previous applications were resolved to be granted in January 2007. It is appropriate to reflect upon the basis of the decision to resolve to grant planning permission at that time.
- 9.4 The previous committee report referred to PPG 3, the predecessor to PPS 3, the Government's current national planning guidance to housing. PPG 3 advocated industrial/commercial use of land for housing or mixed use developments. It also referred to PPS 3, which was a draft document at that time, stating its priorities in delivering housing. In addition, account was also taken of the Employment Land Review, which was undertaken in 2006. The report recommended that the Pearce Leather Works site should be considered for release and potential redevelopment or refurbishment for a mixture of employment and residential use. This recommendation

was based on the assessment that the existing site was only an average proposition having regard to its location and more particularly the accommodation on the site. It has reasonable access to trunk roads and should therefore be considered for partial release for a mix of residential and commercial development.

9.5 With regard to the designation of part of the site as Green Space, the value of the site was considered as providing a buffer between different land uses i.e. protecting the surrounding development from the industrial site. The granting of planning permission would therefore no longer result in a need for that buffer between the different land uses. Furthermore, whilst the site offers some local ecological interest due to the hedges and open areas, it was and still remains in private ownership and therefore inaccessible to the public.

9.6 Since the previous committee resolutions were made, there have been some changes in policy. At a local level the policy designations on the site, namely B14 and E6 still remain as 'saved' policies. At a regional level, the East Midlands Regional Plan (RSS 8) was adopted in 2009, identifying Northampton as a growth location. However, since the new Government took office, the Communities and Local Government Secretary has issued a letter to all Local Planning Authorities stating that in making decisions on new housing development, regard should be had to the intention of the Government to abolish Regional Spatial Strategies.

9.7 At a national level PPS 3 has now superseded PPG 3. The main aims are to achieve:

- High quality housing that is well-designed and built to a high standard;
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice;
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

It is worth noting that the Government published a revised PPS 3 in June 2010, the principal amendments being the removal of the requirement for minimum densities of development and an alteration to the definition of previously developed land to exclude residential gardens.

- 9.8 The previous Employment Land and Open Space Studies have since been updated. The updated Employment Land Study titled 'Strategic Employment Land Assessment' (2009) does not include the site as part the list of sites within Northampton. With regard to open space, the 'Parks and Open Space Strategy' was published in November 2009. The site falls to be considered as a semi- natural area of open space. The site is not specifically identified as one of the principal areas of open space and falls within a network totalling over 100 sites.
- 9.9 In view of the policy position as set out above, it is not considered that there has been any material change since the previous committee resolution that would justify a taking a different view of the application and refusing it on principle. It is also worth noting that the Draft Strategic Housing Land Availability Assessment commissioned by the West Northamptonshire Joint Planning Unit identifies the site for the future delivery of housing.
- 9.10 With regard to the wider planning debate regarding the future abolition of regional housing targets, this site is not specifically identified as a site for future strategic growth. The development of this site can be classified as a 'windfall' development. It will result in the redevelopment of a brownfield site within the built up area of Northampton. Furthermore it will decontaminate the site and secure the long term future of a listed building by incorporating a use that reflects the previous office use of the building. The principle is therefore supported.

### **Affordable Housing**

- 9.11 The proposals maintain the same numbers of affordable units as secured as part of the previous proposals, namely 10 shared ownership properties. Current policy states that 35% of all new developments should be affordable. As with the previous scheme, the

applicants have stated that due to the abnormal costs of the development, it is not possible to provide the required level of affordable housing. This position is currently being verified by CBRE who are undertaking an independent development appraisal.

- 9.12 Subject to verification of this position it is considered reasonable to accept the levels proposed as the development achieves other notable objectives. These include the decontamination of the site, the regeneration/re-use of previously developed land and the preservation of an important listed building and its setting. This needs to be balanced against the level of affordable housing provided.

### Design and impact upon the character of the area

- 9.13 The application is supported by a comprehensive Design and Access Statement that sets out the evolution of the design process for the site through from site analysis and contextual appraisal to the final design solutions.
- 9.14 The design and layout of the scheme has been strongly influenced by the retention and reuse of the listed office/factory building and the Power House, which have been viewed as integral parts of the scheme. The construction of new dwellings within that setting particularly directly adjacent to the listed building presents challenges in terms of developing a sensitive design. Furthermore, the re-design of the scheme to provide houses rather than flats has raised issues with regard to the loss of the open space between the listed building and the flats and car parking.
- 9.15 In response, the Design and Access Statement sets out a design philosophy based on three character areas for the site, namely the Pearce Leather Works, Pearce Leather Works Edge and Fishponds Road and Brook Edge, all within a defined street hierarchy of primary roads, shared surface roads and private drives.

### Pearce Leatherworks

- 9.16 The Pearce Leatherworks has a distinct character, built in the 1930's, with the architectural styles of the factory, offices and associated Power House of clear Art-Deco style. Parts of the factory building are to be demolished with the remaining

office building and Power House to be converted to flats. The works to the listed buildings are predominantly as per the previous application. New dwellings are proposed to be constructed on the footprint of the factory. The design of the new dwellings is Art-Deco style reflecting the listed building and incorporating many of the design features such as horizontal emphasis on openings, gabled roof detail, glazed entrance doors and formal entrance surrounds and garage doors reflective of the shutters on the listed building. Within this area, parking is provided off street to the side and rear of the plots.

#### Pearce Leatherworks Edge

- 9.17 This area is proposed to act as a gateway to the Pearce Leatherworks character area, having a transitional role between this and the other Fishponds and Brook Edge Character Area. The design solution for this area is achieved through the selective use of render and architectural details reflective of the 1930's. The Character Area starts at both entrances on Fishponds Road and extends along each side of the roads leading up to Pearce Leatherworks. On the plots either side of the two site entrances it is proposed to have Gatehouses, which are heavily influenced by Art –Deco style, being rendered and having a horizontal emphasis to the glazing. The other plots are 1930's style houses with rendered two storey bay windows. They will be set back from the road to provide small front gardens enclosed by boundary treatments to add character to the area.

#### Fishponds Road and Brook Edge

- 9.18 This area is characterised as softer and more informal in character, providing mainly detached properties but with some semi-detached. It is proposed that the more central parts of this character area will be formed around shared surface streets, providing a more informal feel in contrast to the more formal Pearce Leatherworks Edge Character Area. It is proposed to continue the 1930's theme for reasons of consistency across the development. The dwellings will primarily be brick with elements of render. The existing vegetation along Fishponds Road will be retained as part of the proposals.

- 9.19 The density of the development equates to 29 dwellings per hectare. As highlighted earlier in this report, the Government has just recently removed minimum density requirements from PPS 3. The density will inevitably be lower than the previous scheme due to the fact that there are only six flats provided within this scheme. It should also be borne in mind that the development is within the setting of a listed building which will influence the form and density of the site.
- 9.20 Overall, the design solution for the site is considered to be of notable quality and reflective of both the site and the wider Northampton context. The different Character Areas that have been developed for the site have been soundly developed and justified. There is a mix of two and three storey dwellings across the site, the majority being two storeys. This is considered appropriate in the context of the development as they are located more centrally within the site. There are some two and a half storey dwellings along the Fishponds Road frontage. However, given the change in levels they are considered to be appropriate on this occasion.
- 9.21 The implementation of the design on site is critical and therefore a detailed materials schedule will be required by condition to ensure that the quality of development envisaged within the Design and Access Statement is carried through to the completed development. The quality of public realm is equally important and therefore good quality surfacing materials and boundary treatment will be sought e.g. brick walls where directly adjoining public areas.

### **Impact on the setting of the listed buildings**

- 9.22 An important facet of this application is that it is a detailed application, therefore providing certainty in terms of the quality of development with regard to its impact upon the setting of the listed building. The principle of residential development on the site has been established by the previous committee resolution. The key issue with regard to this application is the replacement of the flats with dwellings on the footprint of the factory building to be demolished. The Conservation Officer in her initial response identified three key issues:

- The loss of the green open space between the remaining listed building and the new build development. Previously, the scheme for the apartments included a wide buffer area between the back of the listed building and the apartments. This is halved under the current scheme to allow an access road which whilst raising concerns is considered to mirror the character of the road to the rear of the factory building;
- Car parking is of concern as the previous scheme provided all parking to the rear of the new build development. This application has individual on-site parking to each property via a single garage with a space behind. The key concern is how occupants will be deterred from parking to the frontages of those properties. The parking to the front of the Power House is also concern due to its impact upon the setting of the listed building.
- There is some concern with the design details of the properties immediately facing the listed building, in particular the provision of roof gardens and loss of integrity over time with changes. Also concern about the proposed garage door detail, which is not clear.

9.23 In response to these concerns the site plan has been amended and further information has been provided in the form of an enlarged plan of the area between the new dwellings and the rear of the listed building. The amended site plan shows that the parking to the front of the Power House has now been removed and relocated to the side of the building. This has been welcomed by the Conservation Officer.

9.24 The detailed plan of the area between the listed building and the dwellings illustrates that the amount of hard surfacing has been reduced, public and private space has been demarcated by different surface materials and soft landscaping has been added. The objective is to narrow the road to prevent informal parking and it is considered that this will be achieved. Subject to agreement regarding the detailed landscaping and surfacing treatment, the details are considered acceptable.

9.25 There is a concern now though that the separation of the commercial and residential use will create issues with management of that landscaped area. It has been suggested that there should be some restricted access through gates in the proposed fencing to allow some permeability between the two sections of the site. However, it is not

considered appropriate to have links between the commercial and residential developments.

- 9.26 With regard to the concerns about the garage doors and the roof terraces, it is considered that the detail of the garage doors can be dealt with by condition. The issue of future changes to the roof terraces is less straightforward as it is difficult to put in place planning controls on future occupants of those dwellings e.g. regarding garden furniture and other domestic paraphernalia. It is not considered reasonable therefore to control these matters by a condition.
- 9.27 Overall, subject to the submission of further information, secured by planning conditions, the proposal will not adversely impact upon the setting of the listed buildings.

#### **Crime and Security Considerations**

- 9.28 The Design and Access Statement sets out in detail how the proposed development seeks to address potential problems of crime. This includes direct well lit access routes for pedestrians and vehicles. Security will be achieved using the principles of Home Zones to enable residents to provide surveillance of roads and footways providing a sense of guardianship over the streets by local residents. All of the properties front onto defined access routes providing active frontages and all of the rear parking courts will be overlooked by residential properties to provide natural surveillance.
- 9.29 Northamptonshire Police are supporting of the development and what it seeks to achieve but have raised some issues regarding the provision of a network of open spaces across the site and problems with its management, the provision of a footpath link through the site and the need for electronic gates to control access to rear courtyards.
- 9.30 Taking each point in turn, the network of open spaces on the site is considered to be an important part of the development and the provision of green infrastructure. Those areas of open space will be overlooked by residential properties and therefore it is not considered that this aspect of the development needs to be amended. The

footpath link through the site linking Fishponds Road to Wellingborough Road has been removed from the proposals and it will not be possible to move from one end of the site to the other. The retained office building will be separated from the residential development by a defined boundary treatment, the details of which will be secured by a planning condition. Finally, it is not considered necessary to secure electronically controlled gates to all rear parking courts. They are all overlooked by proposed dwellings whose front door will open directly onto those areas.

- 9.31 It is therefore considered that the proposals are acceptable in developing a design and layout which seeks to minimise the potential for crime.

### **Landscaping, Open Space and Trees**

- 9.32 A detailed landscaping scheme has not been included with the application but the Design and Access Statement and the layout does provide a level of information regarding the levels and type of planting. The landscaping strategy has been developed based on the road hierarchy. On the primary roads there will be low level walling and privet hedging. Occasional trees will be planted. Within the private drives, there will be a mix of tree planting with wild flower mix grass seed. The proposed layout makes provision for planting across the site, the detailed elements of which will be secured through a planning condition.
- 9.33 The layout provides Public Open Space in line with policy requirements. The maintenance and management of this space along with the existing and proposed landscaping is an important consideration and one that has been raised in the consultation responses, in particular relating to the landscape buffer along the boundary with properties in Ashmead. It is normal practice for developers to ensure that a management company is in place to deal with this, although they may seek to put forward these areas for adoption. Details of that will be secured through the legal agreement, including maintenance of the landscaping.
- 9.34 With regard to trees, the application is supported by an arboricultural survey. It shows that there are some significant trees to the rear of the existing buildings, the majority being to the side boundaries and front of the site. Those to the front and sides of the

existing buildings will not be affected by the proposals. With regard to those trees affected it is inevitable that the development of this site will result in the loss of some trees and this was previously considered acceptable as part of the previous proposals.

- 9.35 The survey results indicate that the best quality trees on the site lie along the boundary with Fishponds Road and these are to be largely retained as part of the proposals. The only area of removal is within the south west corner of the site. The other areas where trees are proposed for removal are along the western boundary of the site. The survey does not support their retention as part of the development but their loss will be compensated by new planting within the landscape buffer and the area of open space. Throughout the proposed development, new landscaping will be provided and the landscaping plan to be submitted will be expected to include the required maturity of tree and appropriate species so as to safeguard the quality of development.

#### **Impact on neighbouring amenity**

- 9.36 The surrounding area is characterised by a mix of development. It directly adjoins residential properties along its western boundary, whilst along the eastern boundary is a row of mature trees. To the other side of the trees is an undeveloped area then residential properties which are sited towards the Wellingborough Road frontage. To the south is residential development, located on the other side of Fishponds Road. In terms of the actual physical impact of the proposals, the only properties that are materially affected are those in Ashmead, which directly adjoin the site.
- 9.37 The site layout originally submitted, proposed a number of plots along the western boundary of the site, directly backing onto those properties in Ashmead. During the consultation process this attracted a number of objections and requests for a buffer to be retained along that boundary. In response, the applicant's amended the layout in this part of the site to retain a 5 metre landscaped buffer along that boundary. Following a further consultation, this amendment has generally been welcomed albeit with queries being raised regarding its maintenance.

- 9.38 It is considered that the relationship between the existing properties in Ashmead and the proposed dwellings is acceptable. There will be no overlooking or overbearing impact to existing properties as a result of the development. With regard to the query raised regarding the retention and management of the 5m landscape buffer, there are several alternatives. Firstly, it has been suggested that the landscaping should be conveyed to those properties. In this case they are affordable plots and therefore the maintenance would fall to the Housing Association. The other alternative would be for the area to be maintained and managed by the developer, in all likelihood through a management company or for the areas to be adopted. In this instance it is considered that the most appropriate course of action would be to secure it through a site wide landscape and open space management strategy for the site as part of the s. 106 agreement, whether that be through a management company or adoption.
- 9.39 The amenities of those properties to the other side of Fishponds Road will not be affected by the proposed development as there is a sufficient distance of separation between existing and proposed dwellings. There are no properties located adjacent to the eastern boundary of the site that would be affected by the proposals.
- 9.40 Other issues relating to residential amenity have been raised through the public consultation process. These concern noise pollution including that arising from the construction process. It is not considered that there will be any adverse impacts resulting from this. The construction process is subject to control by Environmental Health legislation regarding hours of working, dust and noise. Noise resulting from the actual completed development will not be of concern. The residential development is in keeping with the surrounding area whilst the proposed office use will not result in any undue noise or disturbance. As a whole, the development represents a better neighbouring use than the previous use of the site and is considered acceptable.

### Highway Considerations

- 9.41 The application is accompanied by a Transport Assessment and a Residential Travel Plan. The site is proposed to be accessed using three existing points. Access to the offices, located within the existing listed building, will be from the existing

Wellingborough Road access. The residential development will be accessed from two existing points on Fishponds Road. It will not be possible to drive through the site.

- 9.42 The site is served by a well established network of footways along Fishponds Road to the wider surrounding area. On Little Billing Way there is an existing zebra crossing and on Wellingborough Road there is a signalised pedestrian crossing. The nearest cycling route is located 250m to the west of the site on Little Billing Way, providing access to local traffic free routes running north and south. The nearest bus stops are located on Fishponds Road adjacent to the site, with further stops located on Little Billing Way and Wellingborough Road. All are within convenient walking distance.
- 9.43 The Transport Assessment states that based on capacity assessments, the development will not have a significant impact on the external road network. The junctions within the area will generally remain within capacity and no significant problems are identified as a result of the proposed development. Within the development the roads have been designed to meet with Northamptonshire County Council's adoption standards. The only issue that has been raised regarding the internal layout is the stretch of highway that passes in front of the Power House and provides access to the dwellings directly adjacent to the listed building. This has been designed as a private drive rather than as an adoptable highway, partly due to the space restrictions but also for design reasons. The provision of an adoptable highway would raise concerns regarding the setting of the listed building.
- 9.44 In response, the applicants have been in discussions with the County Highways Officer and have designed this area as a 6m wide mews with 1m privacy strips between that 6m zone and the properties, to allow provision of services etc. It has also been tracked to ensure that there is adequate turning provision for refuse vehicles. Pedestrian visibility splays will also be provided, the overall aim being to achieve a good level of visibility whilst also maintaining the building line as part of the design approach and the need to sensitively address the areas adjacent to the listed buildings. The issue of the extent of adoption of the roads is not fundamentally a planning issue that could warrant a refusal of an application, particularly in this instance as it involves a small section of highway in the corner of the site. However, it should be borne in mind. In this particular instance the desire to safeguard the setting of the listed building is

considered to be a greater priority than providing an adoptable stretch of road with raised footpaths, which would adversely affect the setting of the listed building.

- 9.45 In line with current Government guidance and in the interests of promoting more sustainable patterns of travel, a Travel Plan has been submitted. It sets out objectives and establishes targets and indicators for the promotion of alternative modes of transport. It sets out a number of measures that could be incorporated e.g. car sharing, welcome packs for residents and provision of bus passes. The key target is reducing single occupancy car usage and increasing travel by walking, cycling and public transport.
- 9.46 In their consultation response, the Highways Agency has confirmed that they are happy with the Transport Assessment, stating that it is unlikely that the development would be detrimental to the operation of the strategic road network. They consider the Travel Plan to be reasonably robust but the TP mode shift target should be amended to achieving a 20% modal shift. Subject to a condition requiring a Travel Plan, there is no objection to the development on grounds of highway safety.
- 9.47 Car parking provision for the office comprises 49 spaces, which is in accordance with both PPG 13 and Northamptonshire County Council standards. With regard to the residential parking provision, a total of 250 spaces are provided, equating to 1.98 spaces per dwelling. This is over what would normally be sought. However, in this particular development it is considered acceptable as it will help to reduce any problems with on street parking.
- 9.48 A number of concerns have been raised in the consultation process regarding the impact upon Fishponds Road, the pedestrian links to Wellingborough Road and people 'cutting through' Ashmead. The impact upon Fishponds Road has been assessed in the Transport Assessment and considered to be acceptable. With regard to pedestrian links through the site and the surrounding area, the proposals originally included provision of a footpath link through the site along the eastern boundary. However, in view of concerns over lack of surveillance along the path and the potential for risk of crime, the link has been removed. It is considered that the site benefits from good pedestrian links to the surrounding area with pedestrian crossings on the roads. The

comments regarding people 'cutting through' Ashmead to Wellingborough Road are noted, however as already stated there are good existing links along Fishponds Road and Little Billing Way. The inherent nature of people in taking the shortest possible route cannot be redressed by this development and it would not be reasonable to use this as an issue that would weigh against this development.

### **Environmental Impact Assessment**

- 9.49 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.
- 9.50 Schedule 2 paragraph 10(a) of the Regulations states that proposals for infrastructure development of more than 0.5 hectares in area (which this application falls within) may require an EIA. The applicant did not request a Screening Opinion for the development prior to submitting the application and therefore in accordance with the Regulations Officers have screened the development based on the planning submissions details.
- 9.51 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out in Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effect.

### **Flood Risk and Drainage**

- 9.52 The application is supported by a Flood Risk Assessment. The original consultation response received from the Environment Agency raised an objection to the proposals on three grounds. This stated that it has not been demonstrated that there is sufficient water infrastructure within the proposed phasing of development, inadequate information supplied to demonstrate that risks posed to groundwater can

be satisfactorily managed and inadequate information supplied to demonstrate that surface water run-off (on-site and/or off-site) is effectively managed. The applicants subsequently submitted a revised Flood Risk Assessment and Site investigation Reports.

- 9.53 The further response from the Environment Agency withdrew their objections on the first two points but maintained their objection on grounds of flood risk. This objection is currently being addressed with a meeting taking place 12 days in advance of the committee between the Agency and the applicants. It is anticipated that a verbal update will be provided to the committee confirming that this issue has been addressed.

### **Environmental Issues**

- 9.54 Two main issues have been raised during the consideration of the application that the applicant was asked to address, namely ground contamination and air quality. Although provided with the previous applications, the site investigation reports were not originally submitted with this application and subsequently an objection was lodged by the Environmental Health Officer (EHO) at Northampton Borough Council. The site investigation reports were subsequently submitted and the EHO has formally confirmed that the submissions are satisfactory and subsequent to further investigation works including gas and groundwater monitoring, the application is considered acceptable. The additional works required can be secured by planning conditions.
- 9.55 The EHO also requested the submission of an Air Quality Assessment. This was subsequently submitted for their comment. The EHO has expressed concerns regarding the methodology used in preparing the report. However, it has been confirmed that they are prepared to accept the conclusions of the report that there are unlikely to be any incidences of the Air Quality Objectives of Northampton Borough Council. This is based on the distance of existing residential properties from the A4500 (Wellingborough Road), past air quality monitoring data and the direction of flow of traffic off site. The proposal is therefore considered acceptable with regard to these issues.

## Sustainability

- 9.56 The applicants have stated that all of the new dwellings will meet Code for Sustainable Homes Level 3 and those units to be created within the Power House will achieve Eco Homes Excellent. To demonstrate this, the application is accompanied by a Pre-Assessment Estimator for the conversion of the Power House and each of the individual new build house types. In order to secure these targets and to secure 10% of the energy needs of the development are met by zero or low carbon energy sources, the submission of a Sustainability Strategy will be secured by planning condition.
- 9.57 With regard to the proposed office use within the listed building, it is not considered appropriate to impose a requirement to meet BREEAM 'Very Good', given that it is a conversion of a listed building. It is however appropriate to attach a condition requiring best endeavours to incorporate sustainability measures.

## Ecology

- 9.58 One key issue to arise from the consultation process is the potential impact upon the ecological value of the site. The site is not afforded a statutory wildlife designation. The previous planning applications did not include any ecological assessments; rather they were secured by planning condition. Since that time, PPS9 has been published which states that planning permission should not be granted where there is uncertainty about the impacts of a development upon ecology that potentially exists on site. To that end, the applicant was advised to undertake a Phase 1 report to establish whether there is any ecological interest on the site that should be taken into account as part of the consideration of the application.
- 9.59 The Phase 1 report was completed and submitted. The report made a number of recommendations which included further site surveys regarding birds, bats, reptiles, invertebrates and newts. In addition, a number of actions have been identified as being appropriate during the construction process regarding site clearance. The required survey work has been undertaken in liaison with Natural England and the resultant reports have been submitted to both Natural England and the Wildlife Trust. It is understood at the time of writing that the proposals will result in the loss of

habitat for bats and birds. In the case of bats, the impact is less as the area of land to the front of the listed building is a foraging area for bats and the mature trees are likely to be roosts.

- 9.60 It is considered that whilst there will be an impact as a result of the development, this needs to be weighed carefully against the benefits which result from the development, the most important of which is securing the refurbishment and long term future of the listed building. In this case the future of the listed building is considered to be the greater priority. It should also be noted that the ecological quality of the site is only likely to have developed following the cessation of the Pearce Leather Works. To mitigate against loss of the habitat it is considered appropriate to attach a condition required the submission of a Green Infrastructure Strategy and Conservation Management Plan.

#### Other Issues

- 9.61 There are several other issues that have been raised in the consultation process and these are addressed as follows:

No Community Engagement – Whilst it would be preferable for this to have taken place prior to the submission of the application, it is not a requirement of the application process;

Sewage Capacity – Anglian Water have confirmed that there is sufficient capacity to accommodate the development.

Condition of Fishponds Road – Northamptonshire County Council has raised no concerns in this regard.

Impact upon a view – No single property is entitled to a view and there is no collective view that warrants protection.

## Section 106

9.62 Following the previous committee resolutions, a single section 106 agreement was drawn up to cover both applications. The obligations/contributions to be secured were as follows:

- Ten affordable units;
- Community development contribution - £10, 000;
- Construction Skills Co-ordinator Contribution - £10, 000;
- Design Code;
- Education contribution - £60, 000;
- Highway and public transport contribution - £10, 000;
- Open Space Strategy;
- Public Art Strategy – payment of £100 per dwelling;
- Sustainability Strategy.

## Financial Contributions

9.63 The level of financial contributions agreed followed the completion of an independent financial appraisal using the 'Three Dragons Model'. This is one of a number of models which is used to undertake viability assessments. That report concluded that the development achieved a very low site value per hectare, around 20% of the residential land values in Northampton (based upon information from the Valuation Office's Property Market Report in July 2006). A significant site cost was also accepted regarding the level of de-contamination required. A further report put forward a total remediation cost of around £950, 000 including professional fees, with further costs relating to demolition, asbestos removal and additional screening costs for foundation work giving a total of £1.5 million. These figures were considered to be reasonable. These costs were listed as the 'likely' scenario with the 'worst case' scenario potentially adding costs of a further £800,000. The report's conclusion was that any increase in the ten shared ownership units would leave the development open to significant risk given the complications in delivering the site. In addition to the remediation costs, the applicant's have confirmed that the design and build costs involved in refurbishing the

listed office building are in the region of £1.75 million and at best this element of the scheme may 'break even'.

- 9.64 The section 106 agreement was drafted and signed by both the WNDC and the applicant's, Pearce & Co. Lagan Homes were also a signatory to the agreement as purchasers of the site. However, they did not sign the agreement based solely on the requirement for a design code. The issue with the design code was that an agreement was in place to purchase the site upon issue of the planning permission. However, the requirement to develop and agree a design code would significantly delay the submission of a reserved matters application and subsequent commencement of works on site by a number of months/over a year. Given the financial appraisal for the site, it would not make commercial sense to purchase the site with a long delay before an income could be generated.
- 9.65 The Committee will be aware that officer's fully endorse the use of design codes where appropriate. They are considered appropriate on sites where a large number of dwellings are proposed (although there is no defined threshold) and where there is a likelihood that more than one developer will be on site. This ensures a consistent high quality development. In this particular instance, the size of development is not considered to warrant a design code and there is only one developer building out the site. Therefore a design code has not considered necessary for the development which does demonstrate the delivery of a high quality of design.
- 9.66 The applicant's are proposing to proceed based on the financial contributions set out in the previous draft agreement. It is evident that the economic climate is notably worse than it was in early 2007 and it would therefore seem reasonable to proceed as proposed. However, since the previous agreement the WNDC has published the Planning Obligations Strategy (POS) which seeks a discounted financial contribution of £20,000 per unit. It should be noted that this is currently under review in the context of the changing economic climate and the Community Infrastructure Levy Regulations (CIL) 2010, which came into force on the 6<sup>th</sup> April 2010. In light of these considerations it is appropriate to re-examine the finances of the development and CBRE have been commissioned to undertake an independent development appraisal. That work is substantially complete and it is hoped that a further update will be presented to the

committee. At this stage it is not anticipated that this will show that the development is more viable than the previous scheme was shown to be back in early 2007.

9.67 Subject to final verification by CBRE, officers would therefore propose proceeding based on the level of financial contributions set out in the previous section 106 agreement, albeit some minor changes. This concerns the Construction Skills contribution, which should be amended to support the Construction Futures initiative. It is also considered appropriate to amend some of the non-financial obligations. It is considered appropriate to remove the requirement for a design code and a sustainability strategy, the latter being secured through a planning condition. Furthermore, it is imperative that an obligation be included to secure the refurbishment of the listed office building prior to occupation of a certain number of dwellings. Given the level of cost involved in the refurbishment works and the applicant's reasonable requirement to generate a cash flow from the development, it would be reasonable to secure this e.g. upon occupation of 50% of the dwellings.

9.68 Since the introduction of the Community Infrastructure Levy, planning obligations secured need to be in accordance with these new regulations. In particular, regulation 122 states that a planning obligation may only constitute a reason for approval if it is:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and
- c) Fairly and reasonable related in scale and kind to the development.

These reflect the three principal tests set out in Circular 05/05 on Planning Obligations, which is policy used to guide the negotiation of planning obligations sought prior to the coming into force of the Regulations. For members information the Board will be reviewing the relationship between Regulation 122 and the POS and providing guidance on WND's approach for determining future applications in respect of this.

9.69 The Construction Futures element of the agreement is compliant with the regulation 122 tests. The Corporation's Board have formally adopted the strategy, and it is considered by officers that the strategy can be properly applied to this development in order to make it necessary in planning terms. It is noteworthy that the approach was

generally accepted in the Daventry Appeal. The obligation would result in apprentices being employed on site, therefore directly related to the development. The highway and public transport is considered necessary and directly related to the development by virtue of the increased vehicular and pedestrian activity to be generated by the development and the associated demands upon the local highway network. The sum is considered fair and reasonable in the context of the scale of development. The education contribution is considered necessary and directly related to the development by virtue of the increased number of school places required. The sum is considered fair and reasonable in the context of the scale of development. The community development and public art contributions are considered necessary and directly related to the development as it mitigates against the impact of the development as a result of this further built development and its impact upon the built form of the site and surrounding area. The sum is considered fair and reasonable in the context of the scale of development

- 9.70 The ethos of a standard charge agreement made under the POS is dependent upon the flexible spending of monies under the heads of Infrastructure identified in the POS, which is why the apportionments outlined above are not guaranteed. For example, if for any reason there is a surplus of monies the POS would allow this to be used towards making up shortfalls in the other heads of infrastructure listed above which have already been accepted as part of the necessary and proportionate mitigation of impacts of that development and thus satisfy Regulation 122.
- 9.71 This development is one which does not generate substantial profits, a situation that is common on sites where regeneration and other benefits are secured. As highlighted above there is a substantial cost involved in decontaminating the site and refurbishing the listed building. Securing the re-use of a listed building is the most effective way of safeguarding its long term future. Therefore whilst not generating significant financial contributions, the development delivers other benefits that weigh in favour of the proposals.

## **10. Conclusion**

- 10.1 The proposed development will deliver a high quality development that will secure the refurbishment and long term future of a significant listed building and will result in the decontamination of the land.
- 10.2 This application follows two previous applications that benefited from committee resolutions to grant planning permission for the residential re-development of the site along with office use of the listed building. The principle of development is still considered to be acceptable as the policy basis for the decision has not changed. This also recognises the long term prospects for the site as it is and the wider benefits that the proposals bring about. Apart from the fact that it is now a detailed application, the other principal difference is that the flats have been removed and replaced with houses. This is due to issues with viability.
- 10.3 The proposals will result in a high quality scheme that takes account of both the site context and the character of development in the Northampton area, delivering a well designed environment. The Design and Access Statement provides a detailed explanation of how the scheme has evolved and is an excellent example of the form which such documents should take.
- 10.4 Following a number of issues that have arisen during the consultation process, the application has been supported by a number of detailed technical reports and surveys which have been considered in this report and address the concerns that have been raised. Subject to appropriate conditions, the development is considered acceptable and will not unacceptably impact upon the characteristics of the site and the surrounding e.g. the highway network, ecology and trees.

## **11. Recommendation**

- 11.1 For the reasons set out in this report the proposed development is considered acceptable and it is recommended to Members that planning permission is granted subject to the completion of a s. 106 agreement as set out and the following conditions:

## 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 of this permission.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until a detailed materials schedule has been submitted to and approved in writing by the Local Planning Authority. The details shall include materials to be used for walls, roof, windows and doors. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and to ensure the protection and integrity of the setting of the listed buildings.

4. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include the following:

- Details of all materials to be used for hard surfacing;
- Those trees and shrubs to be retained; and
- Details of all new planting including size and species;
- Details of all seating, street furniture etc

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

5. 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

6. No development shall commence until details of tree protection measures in accordance with BS 5837:2005 to be employed on site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and remain in place at all times until all construction activity and/or plant and materials have been removed from the site.

**Reason:** In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality.

7. No development shall commence until a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities) and the location of waste management and site compound areas within the site.

**Reason:** To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.

8. Prior to the first occupation of the development, a Green Infrastructure and Conservation Management Plan, that includes but is not limited to, measures to increase biodiversity within the site, shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved Statement.

**Reason:** To ensure that ecological issues are fully considered and promoted in relation to ecological targets for the region.

9. No development shall commence until details of the boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- Treatment of the site boundaries;
- Treatment of the individual plot boundaries; and
- Treatment of the boundary between the residential site and the commercial development.

The details hereby approved for the site boundaries and the individual plots shall be implemented prior to the occupation of the dwellings hereby approved. The boundary treatment separating the residential and commercial site shall be implemented prior to occupation of the offices.

**Reason:** To ensure that the boundary treatment on the site is properly treated so as secure a satisfactory standard of development.

10. A comprehensive Travel Plan will be developed for each element of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of the occupation of that

particular element of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring, delivery of corrective mechanisms, if appropriate and enforcement
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the Travel Plan to an agreed timescale or timetables and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

**Reason:** In accordance with local and national planning policy advice which seeks to minimise travel by private car.

11. Before each element of the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of the following shall be submitted for each element:

- Code for Sustainable Homes Level 3 on all new build properties (or successor);
- Eco Homes Excellent on the units within the Power House,
- The provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority),
- All sustainability measures to be incorporated within the building hereby approved for offices;

Mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the occupation of each element of the development a post construction assessment shall be undertaken for

each element set out above demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

**Reason:** To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policy GS5 of the Northamptonshire County Structure Plan adopted 2001 and Policy E19 of the Northampton Local Plan adopted 1996.

12. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**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 the advice contained in PPS23 Planning and Pollution Control.

13. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**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 the advice contained in PPS23 Planning and Pollution Control.

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**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 the advice contained in PPS23 Planning and Pollution Control.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 11 and where

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 13

**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 the advice contained in PPS23 Planning and Pollution Control.

16. Prior to the commencement of any works of demolition to the former factory building, details of a programme of building recording and analysis by a person or body first agreed to by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of building recording and analysis shall be fully implemented prior to any works of demolition taking place.

**Reason:** To ensure the necessary preservation by record.

17. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purposes and retained thereafter.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

18. Prior to the commencement of development details of the proposed finished floor levels to all new onsite buildings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall clearly depict the finished floor level relationship of these dwellings to the existing site levels. Development shall be completed in accordance with the approved details.

**Reason:** In the interests of the amenities of adjacent occupiers.

19. Prior to the commencement of the development of the carriageways and buildings, full details of the layout, widths, gradients and means of construction of all carriageways and footpaths, details of means of access from the existing road and details of all foul and surface water sewers shall be submitted to and approved in writing by the Local Planning Authority. With the exception of the final wearing course, the development shall be completed in accordance with the details as approved prior to the first occupation of any building. The final wearing course shall be completed prior to the first occupation of the last building.

**Reason:** To ensure that the roads shall be constructed and sited to the satisfaction of the Local Planning Authority so far as to provide a proper means of access for traffic and to ensure that the land can be adequately drained.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority.

**Reason:** To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience and safety of road users.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), there shall be no satellite dishes erected on plots with the Pearce Leatherworks Character Area as defined in the Design and Access Statement unless permission has been granted by the Local Planning Authority.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

