

North Northamptonshire Area Planning Committee (Wellingborough)

Application Reference	NW/21/00174/FUL	
Case Officer	Mr Duncan Law	
Location	46 - 48 Cannon Street Wellingborough Northamptonshire NN8 4DT	
Development	Change of use from A1 to C3 to create 14 no. residential apartments. Erection of a new floor and new mansard roof	
Applicant	Mr Rajani	
Agent	Mr Dipesh Surti	
Ward	Victoria	
Overall Expiry Date	25 May 2021	
Agreed Extension of Time	14 October 2022	
Checked	Interim Principal Planning Manager	Jasbir Sadhu

Update

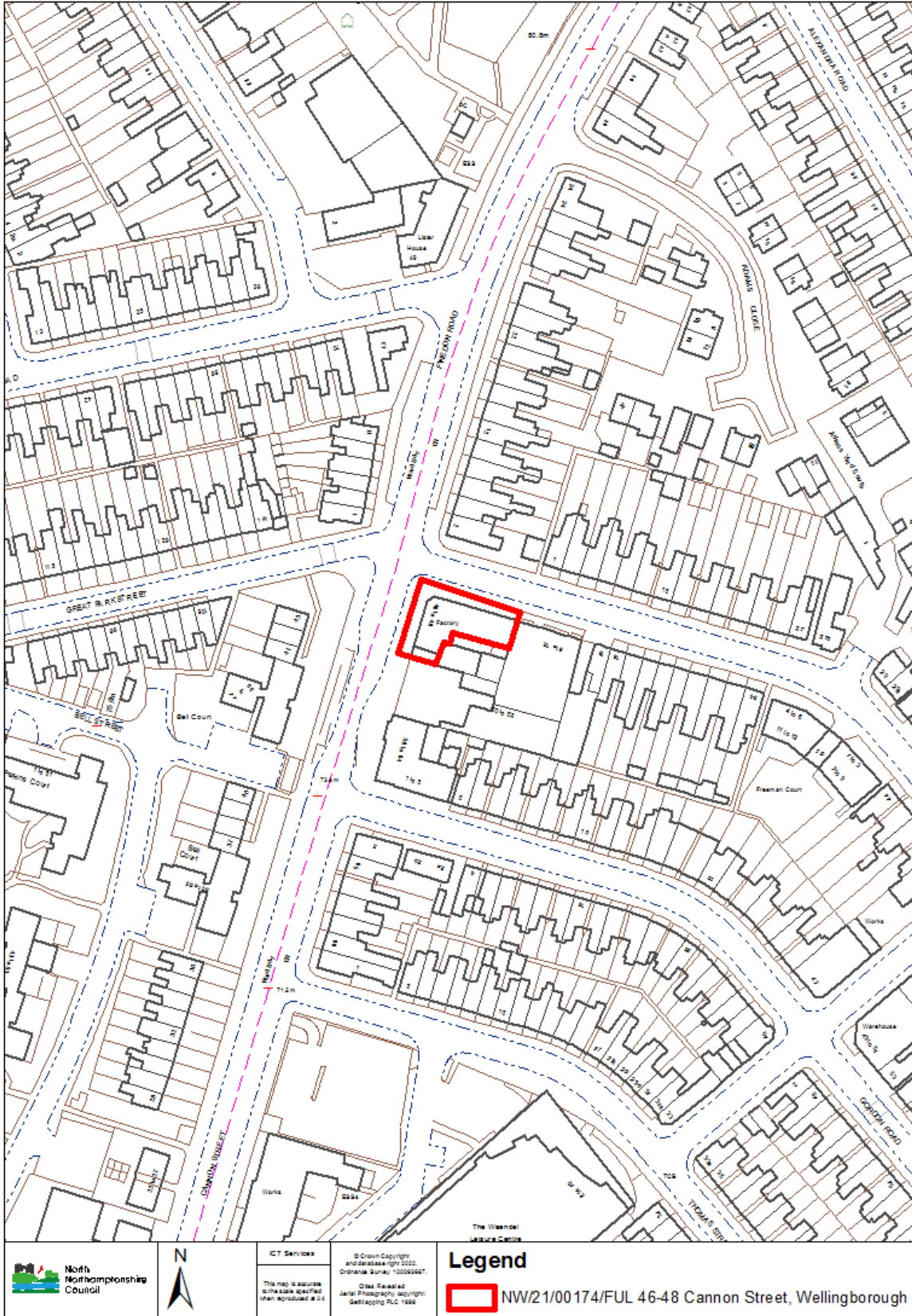
The North Northamptonshire Area Planning Committee (Wellingborough) at the meeting held on 17 August 2022 resolved to defer the application to enable the applicant to undertake a further 'parking beat survey'.

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation as written objections have been received from more than five neighbouring households.

1. Recommendation

1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report



2. The Application Proposal and Background

2.1 The application seeks full planning permission for the change of use from A1 to C3 (residential) to create 14 no. 1 bed residential apartments. This will be facilitated by the erection of a new floor with a mansard roof and internal conversion works.

2.2 The principle of residential use for the property was established through extant planning permission reference WP/19/00556/FUL that was approved by BCW planning committee held on 26.02.2020 for a 'change of use from A1 to C3 and conversion to create 9 bedroom self-contained residential apartments bed with a new mansard roof to replace the existing.' This permission established the principle of residential use for the property and concluded that:

'The proposed development complies with the relevant development plan policies and is consistent with the provisions in the NPPF specifically in relation to promoting sustainable development, raising design standards, conserving the environment, meeting the national space standards, although no on-site parking is proposed there is adequate space on street to take the capacity generated by this development, and would provide smaller units close to the town centre. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.'

2.3 The principle points of discussion are therefore the impacts of the changes proposed under this application when compared to the extant planning permission reference WP/19/00556/FUL which includes the addition of a new floor to increase the quantum of development to 14 x 1 bed residential units.

2.4 Furthermore the application was presented to North Northamptonshire Area Planning Committee (Wellingborough) on 17 August 2022 where it was resolved to defer any decision to allow an updated 'parking beat survey' to be carried out and submitted to the local planning authority. The updated 'parking beat survey' was received on 14 September 2022 and comments were received from the Local Highway Authority on 16 September 2022.

2.4 As required through the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework. Consequently, amended plans and supporting information have been submitted during the consultation period. The following documents were submitted in support of the application:

- Location Plan
- Site Plan
- Proposed Site Plan, Floors Plans and Elevations
- Parking Survey Data
- Planning Statement
- Parking Inventory
- Parking Survey
- Sound Report
- Ventilation Report

Over Heating Assessment
Ecology Survey
Environmental Survey
Design and Access Statement
Viability Assessment
Drainage Run
Updated Parking Survey

3. Site Description and Surroundings

3.1 The application site contains a two storey, red brick and render property located at the junction of Stanley Road and Cannon Street in the growth town of Wellingborough. The property is a former nineteenth century factory, likely to have been associated with the footwear industry of the area. The surrounding area is predominantly residential except for the two adjoining commercial sites. The building is not listed and nor is it within a conservation area.

4. Relevant Planning History

WP/19/00556/FUL	Approved with conditions Change of use from A1 to C3 and conversion to create 9-bedroom self-contained residential apartments bed. New mansard roof to replace the existing - Amended application form, plans and design and access statement received 23 January 2020	26.02.2020
BW/1978/0676	Refused Change of use of workshop and shop to private social club	06.09.1978
BW/1977/0975	Approved New shop front and alterations to form shop and workshop	23.01.1978
BW/1977/0753	Approved with conditions Change of use of ground floor and basement of building from light industrial to retail sales of motorcycles including repair and maintenance	10.11.1977
WU/1967/0204	Approved with conditions Erection of store, toilet and office accommodation	06.12.1967
BW/1976/0526	Approved with conditions Proposed change of use of 75 sq. ft. office area for retail use	19.08.1976

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website
<https://www.wellingborough.gov.uk/viewplanningapplications>

5.1 Wellingborough Town Council – no comments received.

5.2 Neighbours/Responses to publicity

Objections have been received from 11 neighbouring properties relating to impacts on parking and surface water drainage.

**5.3 Local highway Authority (LHA) –
Updated comments received 16 September 2022**

The Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It should be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

Comments dated 3 March 2021.

Recommend that subject to compliance with the following requirements of the Local Highway Authority and the local planning authority being satisfied as to the adequacy and suitability of available parking accommodation in the vicinity of the proposed development the Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

The extent of highway maintainable at the public expense is indicated on the attached plan. The application site must be amended at the junction between Cannon Street and Stanley Road to correspond with the highway boundary. A suitable line of delineation comprising concrete edging or similar should be placed on the highway boundary.

No part of the proposed development, including the cycle parking shelter, may extend over or into the public highway and all highway surfaces affected by the proposals must be reinstated in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.

A positive means of drainage must be installed to ensure that surface water from the cycle parking shelter and paved areas surrounding the building does not discharge onto the highway.

Except for accommodation for cycles on the frontage of the building the proposal makes no provision for off street parking accommodation. Unless otherwise agreed,

parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

The parking survey submitted in support of the application is now dated but in spite of present Covid restrictions the results are still considered to be acceptable and indicates that sufficient on-street parking space to serve the proposed development can be found in the vicinity of the application site.

It should be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

The local planning authority should be satisfied that the use of on street parking to serve the development will provide sufficiently safe and convenient accommodation to comply with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

The applicant should be advised to discuss arrangements for refuse collection with the appropriate person at NNC waste team.

5.4 Northamptonshire Police Crime Prevention Design Advisor – comments.

There should be some formal defensible space by way of boundary treatment (as per previous plans and as per planning statement). This will help to reduce anti-social behaviour from the local night-time economy affecting the residents and reduce the likelihood of the occupants becoming victims of crime and cuckooing.

The covered cycle stores under a bedroom window could be a cause of anti-social behaviour if these are used as smoking shelter or for habitation. It would be preferable for bikes to be stored within the building, however if this is not possible the residential bike store should be close to the front door and in a secure store. If a secure store is not possible then they should not be covered.

5.5 NNC Assistant Archaeological Advisor – no objection.

The previous consent (WP/19/00556/FUL) was granted with a condition for archaeological work attached, to secure a programme of building recording before any development works take place. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 205 to any permission granted in respect of this application. The suggested wording for the condition is as follows:

Condition:

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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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 ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with the North Northamptonshire Joint Core Strategy policy 2 (d).

5.6 Key Services (Education, Libraries, Broadband) and Northamptonshire Fire and Rescue Service (NFRS) – no objection.

This response follows the principal guidance in the NNC's adopted Planning Obligations Framework and Guidance Document (2015), which follows the tests of paragraph 57 of the National Planning Policy Framework (2021) and is therefore relevant to this planning application. From the information received regarding this application, it is understood that the development would comprise the creation of up to 14 no. residential units and associated works, with the proposed mix of units as follows:

14 x 1 bed units

These figures have been used to guide this response.

Education - It is not expected that there will be any children of school age fully resident living within the development. As such, it will not be necessary to secure a s106 planning obligation towards Education infrastructure, however this position will be reviewed in the event of any changes to the intended use, scale or mix of the units.

Libraries - Where a new development will generate additional need and library space requirement, NNC requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth.

This development is expected to impact on the current level of library provision in Wellingborough as the new residents moving into the developments utilise existing facilities.

A Libraries Contribution of £1,526 is required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development, including digital/IT infrastructure. This figure will be reviewed, with a specific project identified, at such time as the s106 for the development is entered into

Fire Hydrants & Sprinklers -

New developments generate a requirement for additional fire hydrants and sprinkler systems in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and

Rescue Service in order to establish the precise requirement. It is expected however that this development may require a minimum of 1x fire hydrant to be provided and installed. The capital cost of each hydrant (including its installation) is £892 per hydrant, the cost of which is expected to be met by the developer in full.

Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial building being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire. The final location of any fire hydrants and/or sprinkler systems for the new development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation and secured through a planning condition. Below is a recommended standard condition for securing fire hydrants and sprinkler systems:

'No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire'.

5.7 Natural England – no objections.

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

5.8 NNC Principal Project Officer (Ecology) – no objections.

Having reviewed the bat survey report supplied satisfied that neither a licence nor mitigation will be required in this case. To provide enhanced roosting opportunities It is recommended that a suite of integrated bat bricks be installed on the south (car park-facing) elevation under the eaves. These could be mortared into the new brick and once secure would not need further maintenance. Given the size of the building and number of units it is recommended that between 7 and 10 bricks should be installed.

5.9 NNC Senior Planning Policy Officer – no objections.

The proposal is within the growth town of Wellingborough where the majority of the housing growth outlined in policies 28 and 29 are, and is on a brownfield site which are to be prioritised by policy 6 of the JCS. Therefore, the site could be considered an acceptable site in principle in accordance with the overall spatial strategy in the JCS. There is an existing permission granted for 9 dwellings on the site and so has been considered a suitable and sustainable site for residential

development. This should be balanced against the resultant loss of retail and employment floorspace which is usually resisted under policy 22 (c) of the JCS and policy E3 of the PBW. The previous permission granted on the site would indicate that this loss has already been supported in principle.

The scheme will need to be assessed against the criteria in policy 8 of the JCS, in particular whether the scheme provides satisfactory levels of parking and access for the type and scale of development being proposed and whether the addition of a new storey on top of the existing building would be acceptable in terms of local character and local amenity.

The scheme should be in accordance with policy 30 (b) & (c) of the JCS in terms of National Space Standards and Accessibility Standards, any full application should be in full compliance with these standards and the water use standards in policy 9 of the JCS. In accordance with paragraph 65 of the NPPF the proposal should incorporate 10% affordable home ownership products.

In accordance with policy G14 and G15 of the PBW the development would be required to provide contributions towards open space and sports provision. An example of what contributions could be required is included as an appendix to this response. The proposal should also comply with policy 4 of the JCS.

5.10 NNC Built Heritage Consultant – no objections.

Following the submission of revised proposals, is unopposed to this application being implemented in accordance with drawing “Cannon Street 03 – rev C”, subject to the following recommended conditions:

‘Prior to commencement of external works, a schedule of external finish materials, including roofing, and proposed brick and bond style to match existing, and rainwater goods, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such’.

‘Prior to installation, a schedule of drawings that show details of all proposed windows, including conservation rooflights, and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, and, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such’.

5.11 NNC Environmental Protection Officer (noise) – no objection.

The concern for this development is that due to high traffic noise levels, occupiers of the proposed flats will need to keep windows closed in order to achieve the desirable noise standards for habitable rooms set out in Table 4 of BS8233:2014. In order to achieve adequate ventilation with windows closed, a mechanical ventilation system has been proposed. There was also a need to assess whether overheating in the properties would be an issue and whether windows could be opened to alleviate overheating without noise having an adverse impact on occupiers. The Acoustics Ventilation and Overheating Residential Design Guide (AVO Guide) provides an approach to assess and address thermal and acoustic comfort in dwellings. In accordance with the AVO Guide, the applicant initially undertook a ‘Level 1 risk assessment of noise relating to overheating’, with results shown below:

Level 1 Risk Assessment 07:00-23:00 = 60.2dB(A) LOW/MEDIUM risk.

Level 2 assessment is optional

Level 1 Risk Assessment 23:00-07:00 = 50.4dB(A) LOW risk.

Level 2 assessment is optional

The results indicate that during the night, windows can be opened to alleviate overheating with a low risk of adverse impact from external noise. During the daytime, there is a low to medium risk of adverse impact from noise. Although the AVO Guide suggests that a 'Level 2 Assessment is optional', the applicant undertook a Level 2 assessment requiring an overheating assessment.

The Overheating Assessment by Greenguage (March 2022), states that with windows closed, there is a high risk of overheating in the 3 top floor flats in the summer months (June to August). Although windows can be opened to alleviate overheating, a cooling system (air conditioning unit) has been proposed which will give occupiers the option to either open windows or to use the cooling system should they wish to minimise noise ingress.

Having reviewed the submitted documents, is satisfied that suitable ventilation and cooling systems have been proposed to address both thermal and acoustic comfort issues previously raised. Therefore, have no objections to the proposed development however, as there are varying options for the ventilation and cooling systems, would recommend the following condition is imposed if planning consent is granted:

'Prior to installation, details of the proposed ventilation and cooling systems shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented in full, prior to the development becoming occupied, and shall thereafter be permanently maintained in full accordance with the approved details.

Reason: To protect the amenities of occupiers of the proposed development in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy. .

5.12 Local Lead Flood Authority (LLFA) – no objections.

Having reviewed the applicant's submitted details located within:

1. Northamptonshire County Council Lead Local Flood Authority Response dated 4th March 2021
2. Anglian Water Sewer Asset Mapping, Anglian Water (30th April 2022)
3. Flood Map for Planning Extract, Environment Agency (22nd February 2021)
4. Geo-Environmental Desk Study, Goldfinch Environmental Limited (April 2019)
5. Proposed New Drainage Run Plan, Plan my Property (June 2022)

LLFA would advise that there is sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

The Lead Local Flood Authority (LLFA) have previously commented on this planning application on 4th March 2021 requesting a drainage strategy and Flood Risk Assessment (FRA) be provided to support the planning application.

LLFA recommend that Anglian Water are consulted with regards to the proposed foul drainage strategy identified in the Proposed New Drainage Run Plan provided.

In the absence of a formal sustainable surface water drainage strategy: LLFA note, no external changes are identified as being proposed to the building. Only an internal change of use and as such, there will be no changes to the area of hardstanding or demolition/construction to add a SuDS scheme to the proposed development. LLFA note that agreement to the proposed internal changes will require agreement with the existing sewer undertaker and Anglian Water may require further evidence as to the suitability of this change of use.

LLFA therefore advise that surface water drainage has been addressed to our satisfaction and LLFA have no further comment to make on this application.

5.13 Anglian Water

Wastewater Treatment

The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable. Anglian Water would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Anglian Water recommends a condition requiring a drainage strategy covering the issue(s) to be agreed.

Planning Condition

As a consequence of the inadequate surface water strategy submitted, the recommended condition below is to be included:

Notwithstanding the approved plans, prior to the construction above damp-proof course, a scheme for on-site surface water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the local planning authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To reduce the risk of flooding both on and off site in accordance advice contained within the National Planning Policy Framework and policy 5 of the North Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy – Part 1 of the local plan (JCS)

Policy 1 (Presumption in Favour of Sustainable Development);

Policy 2 (Historic Environment)

Policy 4 (Biodiversity and Geodiversity)

Policy 5 (Water environment, resources and flood risk management)

Policy 6 (Development on Brownfield Land and Land Affected by Contamination);

Policy 8 (North Northamptonshire Place Shaping Principles);

Policy 9 (Sustainable Buildings);

Policy 7 (Community Services and Facilities)

Policy 10 (Provision of Infrastructure)

Policy 11 (The network of urban and rural areas)

Policy 22 (Delivering Economic Prosperity);

Policy 23 (Distribution of New Jobs);

Policy 28 (Housing Requirements);

Policy 29 (Distribution of New Homes);

Policy 30 (Housing Mix and Tenure).

6.4 Plan for the Borough of Wellingborough – Part 2 of the local plan (PBW)

Policy D.20 (Wellingborough town boundary)

Policy GI4 (Enhancement and Provision of Open Space);

Policy GI5 (Enhancement and Provision of Sport and Recreation Facilities);

Policy E3 (Employment Outside Established Employment Estates);

Policy H4 (Retirement Housing, Supported Housing and Care Homes).

6.5 Other Relevant Documents:

Sustainable Design

Biodiversity

Planning Out Crime in Northamptonshire

Northamptonshire Parking Standards (Sept 2016)

7. Evaluation

The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- impact on landscape visual amenity and Biodiversity;
- sustainability;
- heritage assets;

- archaeology;
- flood risk and surface water drainage;
- foul sewage and water;
- noise:
- air quality;
- biodiversity;
- the Upper Nene Valley Special Protections Area;
- living conditions of future occupiers (compliance with national space standard, national accessibility standards);
- living conditions of the neighbouring occupiers;
- housing mix;
- affordable housing
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- contamination;
- crime and disorder;
- planning obligations and viability;
- conditions

Principle of Development and material considerations –

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 This proposal is for the development of 14 residential units on a site within the town of Wellingborough as defined by D.20 (Wellingborough town boundary) proposals map of the Plan for the Borough of Wellingborough (PBW).

7.4 The North Northamptonshire Joint Core Strategy (JCS) sets the overall spatial strategy for Wellingborough and seeks to direct the majority of new housing growth to the growth town of Wellingborough which is where most of the housing targets set out in policies 28 and 29 of the JCS will be met.

7.5 There is also support given in both the NPPF and policy 6 of the JCS for development on previously developed land, this proposal would develop a currently vacant brownfield site in the growth town and is therefore considered in compliance with the overall spatial strategy of the JCS.

7.6 In addition policies 22 (a) and 23 (a) of the JCS set out the employment and job targets for NNC and seek to safeguard existing commercial sites unless it can be demonstrated that there is no reasonable prospect of the site being used for a commercial purpose. The principle of residential development in this location has been established through the granting of previous and extant planning permission reference WP/19/00556/FUL therefore policies 22 and 23 of the JCS are not triggered in this instance. The principle points of discussion are therefore the impacts of the changes proposed under this application when compared to the extant permission which are the addition of a floor to increase the quantum of development

from 9 to 14 residential units and the removal of any on-site parking, these impacts have to be balanced against the benefits provided by the amended proposal including affordable housing and planning obligations to secure community benefits and mitigate existing infrastructure.

7.7 The application form indicates that pre-application advice has been sought from the council. The NPPF extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

Design, layout and the effect on the character and appearance of the surrounding area

7.8 JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

7.9 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.10 The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

7.11 The application site is within an existing established residential area; subsequently additional residential units in this locale will not have any resultant adverse character impacts. With regards to design, it is noted that the proposal would largely convert an existing former residential building and so would not have any considerable impact on local character. Given that the proposal would result in buildings being renovated and brought back into active use, the proposal would have a positive impact on the character of the local area.

7.12 As a result of extant planning permission reference WP/19/00556/FUL, the permitted roof height was 9.3 metres, the current proposal would increase this further to 10.35 metres. This 1 metre increase would not result in a development that is detrimental to the character and appearance of the original building or the wider character of the area. New fenestration and openings are considered proportionate and acceptable in design terms. Materials used are to match the existing structure with the roof slate re-used where possible to assist in ensuring an appropriate development. It is considered that the proposal would not be harmful to the appearance or character of the host property or the character and appearance of the surrounding area and that this application is appropriate in respect of design impacts and is therefore in accordance with JCS at policy 8 (d) (i) and (ii).

Biodiversity

7.13 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The JCS at policy 4 - biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

7.14 The revised NPPF at chapter 15 'protect and enhance biodiversity and geodiversity' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

7.15 Given the context of the application site and proposal, the small scale of the site negates any landscape qualities to enhance and there are limited opportunities for meaningful biological enhancement within the red line. The submitted Ecology report confirmed that no bats, evidence or suitable roosting features were found. NNC principal project officer (ecology) confirmed that having reviewed the bat survey report supplied is satisfied that neither a licence nor mitigation will be required in this case. To provide enhanced roosting opportunities it is recommended a suite of integrated bat bricks be installed on the south (car park-facing) elevation under the eaves. These could be mortared into the new brick and once secure would not need further maintenance. Given the size of the building and number of units recommends between 7 and 10 bricks should be installed. Subject to the imposition of a condition requiring the installation of bat bricks it is recommended that policy 4 of the JCS and advice contained within chapter 15 of the NPPF in relation to the protection and enhancement of biodiversity has been satisfied.

Sustainability

7.16 Policy 9 of the JCS is clear that development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress. To ensure compliance with this policy, a planning condition is recommended.

Effect on heritage assets

7.17 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.18 Policy 2 (a) and (b) of the JCS requires development to conserve and where possible enhance the heritage significance and setting of heritage assets.

7.19 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the

harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.20 The property is identified as a non-designated heritage asset and is listed in the English Heritage Boot and Shoe Survey; the survey indicated that the factory building dates from 1895. It is one of few remaining nineteenth century factories that populate the town, likely to have been associated with the footwear industry of the area. The site abuts another former factory building at 8-12 Stanley Road which appears to have been part of the same factory complex, as can be seen from historic first edition Ordnance Survey mapping of the area. As such this building is also identified as a non-designated heritage asset for the same reasons as 46-48 Cannon Street. The property is also located on an important approach road to Wellingborough Town Centre Conservation Area and the building therefore features in the setting and appreciation of the Conservation Area.

7.21 Through consultation undertaken, NNC's built heritage consultant had no objection in principle to the change of use to Class C3 as the conversion is sympathetic to the historic and architectural interest of the non-designated heritage asset. The amended proposed plans and elevations shown on the submitted drawings are considered to be acceptable by the NNC built heritage consultant subject to the imposition of conditions in relation to a schedule of external materials and a schedule of drawings that show details of all proposed windows, including conservation rooflights and doors in section and elevation.

7.22 Subject to the imposition of conditions in relation to external materials and window, door and conservation roof type details the proposed development would comply with policy 2 (a) and (b) of the JCS.

Archaeology

7.23 JCS policy 2 (d) requires that where proposals would result in the unavoidable and justifiable loss of archaeological remains, provision should be made for recording and the production of a suitable archive and report.

With regards the revised NPPF, section 16 sets out government advice on conserving and enhancing the historic environment and in particular paragraph 194 advises that, where appropriate, when determining an application which could affect a heritage asset with archaeological interest the council should, where appropriate, require developers to submit a field evaluation.

7.24 The application site is located on the eastern side of Cannon Street, and the junction with Stanley Street. The building proposed for conversion is a former shoe factory and is suitable for further recording. The significance of the building lies in its place in the history and development of Wellingborough and of the Boot and Shoe industry in Northants, as well as its historic fabric. Paragraph 205 of the NPPF states that the local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. NNC's Assistant Archaeological Advisor recommends that a condition is imposed for building recording to level 2 as defined in Historic England: Understanding Historic Buildings (2016).

7.25 Subject to the imposition of a recording condition the proposed development would comply with JCS policy 2 (d) and advice contained within paragraph 205 of the NPPF.

Flood risk and surface water drainage

7.26 The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk. The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process. Neighbour responses have been received in relation to the effects on flooding/surface water drainage.

7.27 Following a request from the Lead Local Flood Authority (LLFA) for a drainage strategy and Flood Risk Assessment (FRA) to be provided to support the planning application, it was considered that the proposed surface water drainage scheme for the proposed development was acceptable and no objections are raised in this regard. The Flood Map for Planning extract identifies that the Site lies wholly within Flood Zone 1, outside the maximum extents of flooding in both the 1 in 100 year and 1 in 1,000-year extents associated with any nearby Main River. The Groundsure Report contained within the Geo-Environmental Desk Study identifies that the Site is in an area of Very Low Risk from surface water flooding and noted that the proposal is for a change of use of an existing property.

7.28 The surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable. Anglian Water would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Anglian Water recommends a condition requiring a drainage strategy covering the issue(s) to be agreed.

7.29 The LLFA recommended that Anglian Water were consulted on the proposed foul drainage strategy identified in the 'Proposed New Drainage Run' plan provided however it was also noted that no external changes are identified as being proposed to the building. Only an internal change of use and as such, there will be no changes to the area of hardstanding or demolition / construction to add a SuDS scheme to the proposed development'.

7.30 Subject to the imposition of a condition requiring a scheme for on-site surface water drainage works, including connection point and discharge rate to the public network, the proposed scheme would accord with JCS Policy 5 in respect of flood risk and drainage.

Foul sewage and water

7.31 JCS Policy 10 (b) requires new development to minimise increases in the demand for additional/expanded water infrastructure. Whilst policy 10 (c) states that planning permission will only be granted if it can be demonstrated that there will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements which arise from the proposed development. Policy 10 (d) continues by saying that the council and developers should work with infrastructure providers to identify viable solutions to deliver infrastructure where appropriate by phasing conditions, the use of interim measures and the provision of co-located

facilities. As requested by the LLFA, Anglian Water were consulted on the proposed foul drainage strategy identified in the 'Proposed New Drainage Run' plan.

7.32 Anglian Water have confirmed that the foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991.

7.33 The proposed development would comply with JCS policy 10 (b), (c) and (d). An informative will be applied for any notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval as consent will be required by Anglian Water.

Noise

7.34 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

Chapter 15 of the revised NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.35 Through consultation, NNC environmental protection officer stated that 'the conversion to residential will make the use more noise sensitive, in particular it should be demonstrated that the internal noise levels in the bedrooms have a satisfactory internal noise level with windows open for ventilation. Where a satisfactory internal noise level cannot be achieved with windows open for ventilation then proposals should be submitted for suitable mitigation scheme. NNC environmental protection officer requested details due to the potentially noisy location of a main road into Wellingborough town centre, a condition should be imposed which would require the submission for approval of sound insulation measures in accordance with the suggested criterion to protect the future occupiers of the development from any untoward noise levels from the adjacent road.. Once construction works are completed which will be controlled through a condition requiring a CEMP to protect existing residential amenity during conversion/construction works the proposed development is unlikely to result in unacceptable noise disturbance to occupiers of neighbouring residential properties and subject to the imposition of a noise mitigation condition would comply with policy 8 (e) (ii) of the JCS.

Air quality

7.36 To ensure quality of life and safer and healthier communities JCS at policy 8 (e) (i) requires both new and existing development to be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

7.37 Chapter 15 of the revised NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution. NNC's environmental protection officer have not raised any objections to the scheme with regards to air quality which is in accordance with JCS at policy 8 (e) (i). An Informative should be added to any permission seeking any gas fired boilers to meet a minimum standard of 40 mgNOx/Kwh.

Effect on the Upper Nene Valley Special Protection Area

7.38 The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

7.39 Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

7.40 The Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD) has been produced to help local planning authorities, developers and others ensure that development has no adverse effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD has been developed with Natural England and the RSPB. A Mitigation Strategy adopted as an addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details a specific financial contribution for each new dwelling towards Strategic Access Management and Monitoring (SAMM) to avoid and mitigate impact.

7.41 Since these policies were adopted there has been a ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). This requires development relying on mitigation in relation to the Habitats Regulations to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

7.42 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of **£3,772.16** has been made under section 111 of the Local Government Act 1972 and the development meets the criteria set out in the SPA SPD for this approach to be taken. The proposed development would comply with Policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided to date will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site. The additional contribution triggered by the current application has been subject to viability as discussed below.

Housing mix

7.43 Policy 30 (a) (ii) of the JCS seeks to ensure there would not be an overconcentration of a single type of housing where this would adversely affect the character or infrastructure of the area. Policy 30 (a) (i) of the JCS states that housing

should provide for a mix of dwelling sizes and tenures to cater for the current and forecast accommodation needs. The Strategic Housing Market Assessment (SHMA) was revised in January 2015 and table 9.10 of this report (page 18) identifies that the following breakdown of units is required to meet projected housing requirements 2011-2031:

- 1 bed (58%)
- 2 bed (10%)
- 3 bed (30%)
- Some 4+ bed (2%)

7.44 This application complies with this requirement as it is seeking to provide 14 x one bed flats. The development on balance is considered to contribute to creating a balanced and sustainable community in line with policy 30 (a) (i) & (ii) of the JCS.

National Space Standards

7.45 The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum including adequate built in storage and requisite bedroom sizes. The submitted plans have been amended to demonstrate compliance in this regard. As such the proposal is in compliance with Policy 30 (b) of the JCS that requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

National Accessibility Standards

7.46 Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum. All units should achieve category 2 of the National Accessibility Standards as a minimum and the submitted details indicate that Apartment 4 has been updated to meet Part M4 Category 3 and benefit from 'step free' wheelchair accessibility in accordance with JCS Policy 30 (c). A condition would be imposed on any planning permission to ensure that all the dwellings meet category 2 and apartment 4 would meet category 3 (a) of the National Accessibility Standards in accordance with policy 30 (C) of the JCS.

Affordable Housing

7.47 Policy 30 (d) seeks on private sector development of 15 or more (net) or where combined gross floor area of dwellings will 1,500 square metres in the growth towns and market towns the local planning authority will seek the provision of affordable housing in line with the following targets: 30% of total dwellings in growth or market towns.

7.48 At 14 units, the requirement for provision of affordable housing of policy 30 (d) is not triggered. Paragraph 65 of the NPPF states that major development (10 or more dwellings) should provide at least 10% affordable home ownership products unless meeting the exemptions in criteria a-d in Paragraph 65 of the NPPF, as such 10% or one unit of the scheme should be affordable home ownership products subject to scheme viability to be secured through s106. National policy, following a written ministerial statement, says that First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This site should therefore provide one affordable home ownership property and the preference would be for this to be First Homes product subject to viability discussed below.

Living conditions of the neighbouring occupiers

7.49 The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers. At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.50 The surrounding nature of development is predominately residential therefore the introduction of additional residential properties in this sustainable location is not considered to adversely affect neighbouring amenity. It is held that as the extent of additions or changes to the existing built form are limited, the scheme would retain the existing standard of amenity which is currently enjoyed by the adjacent and proposed residential occupiers. The additional floor proposed is not considered to result in any additional adverse neighbouring amenity impacts when compared to the extant permission.

7.51 The minutes from the North Northamptonshire Area Planning Committee (Wellingborough) held on 17 August 2022 note that a member had concerns in relation to the noise and fumes from the adjoining garage premises on the amenity of future residents however the plans demonstrate that the windows in this elevation serve a corridor and not habitable windows. Therefore, the adjoining garage premises would not have any unacceptable adverse effects on the standard of amenity for the future occupiers of the flats as no habitable rooms would be affected by any noisy external activities taking place as such the proposed development considered to be in accordance with JCS policy 8 (e) (i) in this regard.

Highway safety

7.52 JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.53 Paragraph 111 of the NPPF also confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Pedestrian access

7.54 The existing pedestrian access will remain.

Parking

7.55 The proposal makes no provision parking spaces to serve the flats. When assessed against the requirements of NNC Parking Supplementary Planning Guidance as required by JCS policy 8 (b) (ii) , there is a requirement of 1 space per 1 bed unit, a total of 14 not including visitor parking spaces however policy compliant cycle storage provision is contained within the red line of the proposed building. An updated parking survey was submitted in support of the proposal.

7.56 In their response to the submitted updated parking beat survey which was undertaken on Sunday 11 of September 2022 between 04:00 and 05:00 and

Tuesday 13 September 2022, NNC highways development management engineer noted in the updated response that:

‘The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site of the application site.’

7.57 It is accepted by the Local Highway Authority that adequate parking facilities to serve the proposed development can be found within the study area although this form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes.

7.58 It is acknowledged that this development is sited within walking distance to the town centre near to public transport facilities which including a mainline railway station and bus routes, The proposal is considered to be in a reasonably sustainable location and as such it is considered that future occupiers of the building could have minimal reliance on the private car when compared to other developments out of town or within villages.

7.59 It is also material that the existing lawful E (a) use of the unit with a total Net Internal Area of 745 square metres would require 1 space per 25 square metres that equates to a parking requirement of 30 on site spaces that are not provided. It is within the gift of the applicant to revert to this lawful use and the associated parking demands.

7.60 Having taken the concerns of local residents into account, and in review of the submitted information including the sites sustainable location and alternative transport options to the private car, it is considered that, on balance, the applicant has demonstrated that sufficient parking is available in the wider context and the residual cumulative impacts on the road network would not be severe, therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms.

Contamination

7.61 The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters. As the application is for the conversion of an existing building with minimal below ground development, there is limited potential for contamination to be a concern.

Crime and disorder

7.62 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area. The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime. The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

7.63 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.64 Subject to conditions to secure details of security measures, boundary treatment and cycle storage to address concerns raised by the Crime Prevention Design Advisor, the application accords with the crime and disorder aims of JCS at policy 8 (e) (iv).

Planning obligations and viability

7.65 The Community Infrastructure Levy Regulations 2010 at paragraph 122 sets out limitations on the use of planning obligations under section 106 of the Town and County Planning Act 1990, as amended, to secure community benefits for a scheme. It applies where a relevant determination is made which results in planning permission being granted for development.

7.66 Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests. Is the obligation:

- (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

7.67 In addition to the above regulations the government has recently updated its PPG with regards to planning obligations and below is summary in relation to how the salient elements of the guidance have an influence on this proposal. Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan. It is acknowledged that the site is not allocated in the current development plan for housing, but it is considered that the principle of not requesting an obligation which would result in a site being unviable can be applied to this application.

7.68 The government repeatedly states in its guidance that obligations must be entirely necessary, and they must be fully justified and evidenced. Applicants should submit evidence on scheme viability where obligations are under consideration and wherever possible, this should be open book.

7.69 There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development; however, these restrictions do not apply to development on 'rural exception sites'. The NPPF at paragraph 57 states that planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This advice is reiterated under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

7.70 Policy 7 (a) of the JCS seeks the provision on site where necessary or contributing towards accessible, new or enhanced community services and facilities to meet the needs arising from a development. Policy 10 (a) seeks develop either to make direct provision or contribute towards the provision of infrastructure required by the development either alone or cumulatively with other developments. Policy 10 (c) seeks planning permission to only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements arising from a proposed development. Policies GI4 and GI5 of the PBW require the development to provide contributions towards open space and sports provision.

7.71 The below details of the financial contributions to be secured through legal agreement are:

Draft s106 Heads of Terms.

- £16,065 - enhancement and establishment of a poor-quality park and garden.
- £6,636 - Indoor Facilities Contribution (£3,206 (Sports Halls) and £3,430 (Swimming Pool))
- £8,421.12 - off-site Natural and Semi Natural project
- £696.15 - Enhancement and establishment of an existing standard quality children's play space
- £8,454 - Playing Pitch Contributions
- £8,134.47 - primary healthcare
- £1,526 - library space and facilities

7.72 These contributions meet the tests for obligations as outlined at paragraph 57 of the NPPF and are in accordance with CIL Regulations 122 and 123, and are considered reasonable, acceptable and appropriate to offset the impact from the development.

7.73 Viability - The NPPF at paragraph 58 states 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. On the 24 April 2022, the council was informed by the applicant they had appointed S106 Management Viability Consultants to carry out a financial viability assessment for the scheme, to inform discussions around the financial contributions sought within the Section 106 agreement. This report concluded that

'As such, this FVA demonstrates that, on a 100% open market basis, the resulting actual return to the developer following all costs including land value detracted from gross development value would be significantly below target return. Therefore, the development cannot viably provide additional s106 contributions'.

7.74 Viability is defined as the ability of a development to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk-adjusted return to the developer in delivering that project. Ultimately in setting the level of commuted sum for any development, it is limited to the level beyond which the scheme would be made 'unviable', in that the return to the developer and the landowner would fall below a level at which it is deemed that they would allow the scheme to come forward.

7.75 Policy 30 (d) of the JCS states that the Council will have regard to the current viability of developments. At 14 units, the requirement for provision of affordable housing of Policy 30 (d) is not triggered. Paragraph 65 of the NPPF states that major development (10 or more dwellings) should provide at least 10% affordable home ownership products unless meeting the exemptions in criteria a-d in Paragraph 65 of the NPPF, as such 10% or one unit of the scheme should be affordable home ownership products subject to scheme viability. Where it has been demonstrated, to the Council's satisfaction, that the provision of affordable housing is unviable, a flexible approach to achieving viability will be taken, including reviewing the proportion of affordable housing. As a small scale scheme, it has been put to the council that any additional planning gain, including Section 106 obligations would render the scheme unviable.

7.76 The financial viability appraisal was assessed on behalf of NNC by independent expert surveyors at Bespoke Property Consultants that agreed with the financial viability assessment submitted and concluded:

'Based on our review of the proposed scheme we advise that it is unlikely that the scheme may be able to provide any affordable housing or S106 obligations. Although a BLV has not been established, it is clear that the subject premises is worth in excess of the residual value generated'.

7.77 The submitted viability assessment has been confirmed by the councils independent assessors who concluded that the scheme cannot support any affordable housing offer or s106 obligations. Consequently, and on balance, the proposal is considered to accord with paragraph 58 of the NPPF and JCS policy 30 (d)

Conditions

7.78 The revised NPPF at paragraph 56 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG reiterates this advice. It is considered that the recommended conditions meet the tests set out in the revised NPPF and the PPG.

8. Other Matters

8.1 Health Impact Assessment – Paragraph 92 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable support healthy lifestyles for example, through the provision of safe and accessible green infrastructure, sport facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

9. CONCLUSION/PLANNING BALANCE

9.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF. The application has been subject to a viability assessment that confirmed the scheme cannot support any affordable housing offer or s106 obligations therefore in the absence of any material considerations of sufficient weight and when compared to extant permission reference WP/19/00556/FUL granted for 9 dwellings on the site which considered the development a suitable and sustainable site for residential growth, it is recommended that the proposal be approved subject to conditions.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the conditions listed below.

11. Conditions

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of 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 approved shall be carried out in accordance with the following drawings received 14 June 2022:

Dwg. 46CS: PA03revF/03 Location and Site Plans, Section B/B

Dwg. 46CS: PA03revF/04 Proposed Floor Plans

Dwg. 46CS: PA03revF/05 Proposed Elevations

Dwg. 46CS: PA03revF/06 Drainage Run

DWG S4721 COO1 (drainage layout) received 5 July 2022;

DWG S4721 COO2 (drainage maintenance plan) received 5 July 2022;

DWG S4721 COO3 (drainage details 1 of 2) received 5 July 2022;

DWG S4721 COO4 (drainage details 2 of 2) received 5 July 2022;

Reason: To define the permission for the avoidance of doubt and in accordance with best practice guidance set out in paragraph 022 of the National Planning Practice Guidance.

3. Prior to the commencement of any external works, a schedule of external finish materials, including roofing, proposed brick and bond style to match existing, and rainwater goods, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: To ensure that the external appearance of the building is satisfactory and to not detract from the character and appearance of the heritage asset in accordance with policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy.

4. Prior to installation, a schedule of drawings that show details of all proposed windows, including conservation rooflights, and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To ensure that the external appearance of the building is satisfactory and to not detract from the character and appearance of the heritage asset in accordance with policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy.

5. The dwelling hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

6. No building or use hereby permitted shall be occupied or the use commenced until the refuse store, as shown on the approved plans has been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

7. No construction works shall be undertaken above slab level until details of new boxes for bats either integral to or mounted to the buildings have been submitted to and approved in writing by the local planning authority. The scheme shall include details of external bat roosting boxes, and the development shall thereafter be carried out in accordance with the approved details prior to the occupation of the building.

Reason: To maintain and enhance local biodiversity and ecology in accordance policy 4 of the North Northamptonshire Joint Core Strategy.

8. The dwellings hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) and apartment 4 shall be built to meet the requirements of the National Accessibility Standards in category 3 (a) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

9. 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 local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion 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 local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with the North Northamptonshire Joint Core Strategy policy 2(d).

10. Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The approved boundary treatment shall be erected before occupation. Development shall be carried out in accordance with the approved details and thereafter retained in that form.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

11. Prior to installation, details of the proposed ventilation and cooling systems shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented in full, prior to the development becoming occupied, and shall thereafter be permanently maintained in full accordance with the approved details.

Reason: In the interest of safeguarding residential amenity in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12. Prior to development above slab level, a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the local planning authority. Once approved the scheme shall be implemented before the first occupation of any associated residential unit and therefore maintained in the approved state at all times. No alterations shall be made

to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: In the interest of safeguarding residential amenity in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

13. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. Thereafter, the cycle parking provision shall be kept free of obstruction and shall be available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

14. No development shall take place above slab level until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

15. No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including:

- working hours;
- Procedures for emergency deviation of the agreed working hours;
- routes for construction traffic;
- location of site compound;
- lighting and security;
- control of dust and other emissions;
- proposed temporary traffic restrictions;
- parking of vehicle of site operatives and visitors.

The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place and in the interests of amenities of existing and future residents in accordance with policies 8 (b) (i) and 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

16. No development shall take place above until the applicant has submitted details to the local planning authority for approval which demonstrate the security measures for the building and the site and evidence to show how these measures will be adequately installed and maintained. The security measures shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In order to reduce crime and disorder and the fear of crime in accordance with policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy.

12. INFORMATIVES:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering

3. The North Northamptonshire Council encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.

5. The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulations approval. The applicant is advised to refer to this guidance to address any issues relating to the stone boundary wall.

6. The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants.

7. With reference to provision of fire hydrants condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.

8. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.