



# Northampton Local Area Planning Committee

A meeting of the Northampton Local Area Planning Committee will be held in the The Jeffrey Room - The Guildhall, Northampton, NN1 1DE on Tuesday 1 November 2022 at 5.00 pm

## Agenda

1.	<b>Apologies for Absence and Appointment of Substitute Members</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	<b>Minutes</b> (Pages 5 - 22) To confirm the Minutes of the Meetings of the Committee held on 9 <sup>th</sup> September and 4 <sup>th</sup> October 2022.
4.	<b>Chair's Announcements</b> To receive communications from the Chair.
5.	<b>Deputations/Public Addresses</b>
6.	<b>List of Current Appeals/Inquiries</b>
<b>7. Other Reports</b>	
a)	<b>WNN/2022/0454 - Public Realm Regeneration Scheme of the Market Square. The Market Square, Northampton</b> (Pages 23 - 44)
<b>8. Planning Applications</b>	

a)	<b>WNN/2022/0397 &amp; WNN/2022/0398 - Listed Building consent and full planning for Demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43no affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions. Rear of 21-23 Bridge Street (Pages 45 - 86)</b>
b)	<b>WNN/2022/0756 - Change of Use from House in Multiple Occupation for 6 occupants (Use Class C4) into House in Multiple Occupation for 7 occupants (Use Class Sui Generis). 218 Abington Avenue (Pages 87 - 96)</b>
c)	<b>WNN/2022/0797 - Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 8 occupants. 48 Hazelwood Road (Pages 97 - 110)</b>
d)	<b>WNN/2022/0903 - Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including conversion of garage to habitable room. 12 Henry Bird Court (Pages 111 - 122)</b>
<b>9.</b>	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
<b>10.</b>	<b>Exclusion of Press and Public</b> Should Members decide not to make a decision in public, they are recommended to resolve as follows:  “That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph(s) XXXXX would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Catherine Whitehead  
Proper Officer  
24 October 2022

**Northampton Local Area Planning Committee Members:**

Councillor Jamie Lane (Chair)

Councillor Anna King (Vice-Chair)

Councillor Muna Cali  
Councillor Paul Clark  
Councillor Paul Dyball  
Councillor Zoe Smith  
Councillor Penelope Flavell

Councillor Nazim Choudary  
Councillor Raymond Connolly  
Councillor Cathrine Russell  
Councillor Sally Beardsworth

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Arrangements for Speaking**

It is necessary to register with Democratic Services no later than midday on the last working day before the Committee. This applies to all speakers, including Ward Councillors.

Speakers are required to indicate whether they will be speaking against or in support of an application.

Speakers may register by telephone, email, or by writing, using the contact details below.

### **Queries Regarding this Agenda**

If you have any queries about this agenda please contact Ed Bostock, Democratic Services via the following:

Tel: 07775036776

Email: [publicspeaking@westnorthants.gov.uk](mailto:publicspeaking@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE



### Northampton Local Area Planning Committee

Minutes of a meeting of the Northampton Local Area Planning Committee held at The Jeffrey Room - The Guildhall, Northampton, NN1 1DE on Tuesday 6 September 2022 at 5.00 pm.

Present            Councillor Jamie Lane (Chair)  
                       Councillor Anna King (Vice-Chair)  
                       Councillor Paul Clark  
                       Councillor Raymond Connolly  
                       Councillor Paul Dyball  
                       Councillor Cathrine Russell  
                       Councillor Sally Beardsworth

Also  
 Present:           Councillor Davenport  
                       Councillor E Roberts  
                       Councillor Hallam  
                       Councillor Purser  
                       Councillor Hill

Apologies  
 for  
 Absence:        Councillor Muna Cali  
                       Councillor Nazim Choudary  
                       Councillor Zoe Smith  
                       Councillor Penelope Flavell

Officers:        Shaun Robson (Development Manager)  
                       Nicky Scaife (Development Management Team Leader)  
                       Jonathan Moore (Senior Planning Officer)  
                       Adam Walker (Principal Planning Officer)  
                       Chris Wentworth (Principal Planning Officer)  
                       Jamie Parsons (Locum Planning Solicitor)  
                       Ed Bostock (Democratic Services Officer)

#### 24. **Apologies for Absence and Appointment of Substitute Members**

Apologies for absence were received from Councillors Choudary, Clark, Flavell, and Z Smith.

#### 25. **Declarations of Interest**

There were no declarations of interest made by Members.

#### 26. **Minutes**

The minutes of the meeting held on 2<sup>nd</sup> August would be brought to a future meeting.

27. **Chair's Announcements**

The Chair advised that the addendum had been circulated to Members the day before the meeting but gave Members 5 minutes to refresh themselves on the details contained therein.

28. **Deputations/Public Addresses**

**RESOLVED:**

That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee:

**N/2019/1277**

Councillor Davenport  
Antonella Mitchell  
Emma Roberts  
Andy Chapman/Shayne Martin

**N/2020/1421**

Councillor Hallam  
Rob Mitchell  
Jim Budd

**WNN/2022/0033**

Councillor Beardsworth  
Patricia Willmott  
David Linnell  
Mr J Beveridge/Rhys Bradshaw

**WNN/2022/0173**

Councillor Purser  
James Atkins  
Danielle Stone  
Roy Hammond  
Cllr James Hill

**WNN/2022/0180**

Councillor Stone  
Sebastian Charles

**WNN/2022/0650**

Councillor Purser  
Roy Hammond

**WNN/2022/0707**

Councillor Purser

**WNN/2022/0814**

Councillor Hawes  
Stukeley James

29. **List of Current Appeals/Inquiries**

The Development Management Team Leader advised that there was nothing to report to the meeting but asked Members to contact the Planning department for details around specific appeals.

30. **N/2019/1277 - Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16. Development Land, Lancaster Way.**

The Principal Planning Officer presented the report to the Committee which sought approval to vary Condition 2 of Planning Permission N/2012/0909 to alter the layout of the development, alter house types, remove and alter garages, and vary conditions 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Members' attention was drawn to the Addendum and amendments therein. It was noted that the application had been approved in 2016 and a Section 106 Legal Agreement signed in 2017. It was noted that development has commenced on site but a subsequent application to vary a number of conditions to address layout alterations on site was submitted and approved in principle by Committee in 2020 with a subsequent approval in principle by Committee in 2021 due to further required amendments to conditions including ecology. The S106 was not completed and further amendments to conditions due to ongoing works on site including issues regarding drainage and ecology were required to be addressed, hence the application returning to Committee for consideration. There were currently drainage issues relating to the playground which remained closed, however most of the dwellings had been constructed. Members' attention was drawn to the addendum which contained an amended recommendation, updates to conditions, changes to the main report, and further responses from consultees.

Councillor Davenport addressed the Committee in her capacity as a Ward Member and spoke against the application, stating that there was insufficient affordable housing provided and advised that residents were initially told that they could rent properties on long lease tenancies but had since been informed that these would be moved to monthly leases. She expressed concern around the soakaway that had not been built and was not connected to Lancaster Way

Antonella Mitchell, of Northampton Badger Group, spoke against the application and stated that the previously proposed wildlife corridor must remain on the development. She advised that new setts had appeared onsite and that without the wildlife corridor, there was a risk of damage by the badgers to properties.

Councillor E Roberts addressed the Committee and spoke against the application. She stated that the drainage plans on the planning portal were not the same plans

that Anglian Water had commented on and asked the Committee to defer the application until Anglian Water had commented on the most up-to-date plans. She further advised that the drainage line went under the affordable housing so it could not be built, and the S106 Agreement could not be signed. She asked that the Committee defer the application.

Andy Chapman, the director of Frampton Town Planning Ltd, addressed the Committee and spoke in favour of the application. He noted that Anglian Water had seen the most up-to-date drainage plans and had agreed a strategy in principle, following the implementation of CCTV surveys to further ascertain the extent of the drainage issues. The applicant had been given a 3-month grace period to get the order in place, gain planning permission and carry out the necessary drainage works.

In response to questions, the Committee heard that the most up-to-date drainage plan P27, had been submitted to Anglian Water in August and there had been no objections to the strategy in principle. Regarding the wildlife corridor no longer being part of the application, the applicant had followed the advice of the Council's Ecological and Planning officers. There was a condition included to monitor the success of the badgers' relocation towards the railway and the artificial setts. 135 soil samples had been taken onsite and most levels of contamination were below levels of concern. The site was previously used as an allotment and the contaminant found was lead, which was not uncommon for Northampton.

Members discussed the report and raised concern around the potential damage that the badgers may cause in the future.

Councillor Lane proposed and Councillor Connolly seconded that the officer recommendation be approved. The recommendation contained within the report was put to a vote and was declared carried with 4 votes for and 2 abstentions.

#### **RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** as per the officer recommendation and subject to the completion of S106 Agreement, with delegated authority to the Assistant Director of Place and Economy to resolve in consultation with the Lead Local Flood Authority any outstanding matters in respect of surface water drainage and condition as appropriate and necessary, and with updates to conditions as set out in the Addendum.

#### Updates to Conditions

- Condition 2 should state drawing reference 352A08-120-M.
- Condition 3 should state drawing reference 352A08-4006-B.
- Condition 7 should refer to plan reference 31006/300P27 rather than 31006/300P24.
- Condition 9 – The reference to site plan layout 201 Rev G should be 201 Rev M.
- Condition 15 – Plan 18/31006/SK50 reference should be removed.

#### Now Condition 19



19. Within three months of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 1 month of completion (or within 1 month of completion of each respective phase).

Additional Condition.

Condition 20:

20. Within 3 months of planning approval, a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to monitor post construction/implementation success and aftercare of protected species mitigation methods, and ongoing success of the resident badger clan for three years after the occupation of the last dwelling on site. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.'

Councillor King joined the meeting at this juncture.

31. **N/2020/1421 - Demolition of existing buildings and erection of Discount Food store (Use Class E), with associated car parking, access, landscaping and associated engineering works. Mayleigh House, Kettering Road North**

The Principal Planning Officer presented the report to the Committee which sought approval for the demolition of existing buildings and the erection of a discount Foodstore with associated parking, access, landscaping and associated engineering works. Members' attention was drawn to the addendum which contained further representations from the Highway Authority and Retail Consultant in response to further 3rd party comments received and clarification that the application was a departure from the Development Plan.

Councillor Hallam, in his capacity as Ward Councillor, addressed the Committee and spoke against the application and thanked the applicant for their informative consultation. He noted that the Highways report showed that the end of Kettering Road where the development was proposed had reached its capacity and any increase could cause the far end of Kettering Road to reach its capacity. He explained that he received frequent calls to implement traffic measuring controls on the road.

Rob Mitchell, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that there had been no objections from statutory consultees, the development would be situated within an existing employment area with the existing building not fit for purpose, would be employment-generating and would not offer any zero-hour contracts. The applicant had undertaken a thorough search of town and near-town centre locations and found no other suitable sites.

Jim Budd, the Highways Consultant on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that concern relating to increased traffic was unfounded and noted that the proposed Foodstore would lead to a redistribution of traffic rather than an increase; people did not generally go out of their way to do a food shop.

In response to questions, Mr Budd advised that a pedestrian crossing could be considered as part of the 278 works.

Members discussed the report and commented that the benefits of the development seemed to outweigh the negatives, there were no material reasons to refuse the application and that the Foodstore would help local residents during the ongoing cost of living crisis.

Councillor Clark proposed and Councillor Lane seconded that the officer recommendation be approved. The recommendation was put to a vote and declared unanimously carried.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

32. **WNN/2022/0033 - Outline Planning Application (All Matters Reserved except Access) for 11no Dwellings with vehicular and pedestrian access. Grazing Land, Mill Lane, Kingsthorpe**

The Principal Planning Officer presented the report to the Committee which sought outline planning approval for 11 dwellings with vehicular and pedestrian access. All matters were reserved except for access. Members' attention was drawn to the Addendum and amendments therein. It was noted that there were several objections to the application, including from the Highway Authority, Kingsthorpe Parish Council, Kingsthorpe Conservation Area Advisory Committee and Sally Beardsworth, Ward Councillor, as well as 8 letters of objection from local residents. Previous schemes had been approved for 5 and 6 dwellings on the site. A flood risk assessment had been supplied and indicated that the site was unaffected by flooding due to surface water runoff. The site was located adjacent to a conservation area; however, it was considered that the impact upon the setting of the conservation area would be neutral.

Councillor Beardsworth, in her capacity as Ward Member, addressed the Committee and spoke against the application. She voiced concern around the potential dangers of the road and amount of traffic; it had a 40mph limit and was frequently used by children walking to and from school. She advised that the area to the west of the development site frequently flooded and felt that the application before the Committee was an overdevelopment.

After addressing the Committee, Councillor Beardsworth left the room for the remainder of the item.

David Linell, a local resident, addressed the Committee and spoke against the application. He voiced concern around the lack of infrastructure and amenities, the impact on wildlife and loss of green space. He advised that from his property he would have unrestricted views into plots 7, 8, and 9.

Rhys Bradshaw, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He advised that the principle of development had been previously established and that the applicant had written to neighbours and received no replies. He believed that the proposed density of properties struck the right balance, and that proposal was comparable to previous scheme but now proposing smaller houses. The access would be widened to comply with adopted standards, so the Highways objection no longer applied. Mr Bradshaw noted that financial contributions would be paid in full.

In response to questions, the Committee heard that Condition 12 related to EV charging points and that 1 would be provided per dwelling.

Members discussed the report.

Councillor King proposed and Councillor Russell seconded that the officer recommendation be agreed. The recommendation was put to a vote and declared unanimously carried.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to conditions and reasons as set out in the officer report with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary; And **SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT** to secure the obligations as set out in the Addendum.

Councillor Beardsworth re-joined the meeting at this juncture.

33. **WNN/2022/0173 - Conversion of existing Factory Building (Use Class B2) to 19no Self-Contained Flats for Supported Living (Use Class C2) and associated works including external alterations, formation of new vehicular access, creation of under croft parking, stopping up existing access, creation of amenity space. 64 - 72 Roe Road**

The Principal Planning Officer presented the report which sought the Committee's approval for the conversion of an existing factory building to 19 self-contained flats for supported living and associated works including external alterations, the formation of new vehicular access, under croft parking, stopping up of the existing access, creation of amenity space, and partial demolition. It was noted that there had been no statutory objections to the application, and it was explained that due to the removal of the non-residential use which was previously unrestricted, any overlooking to nearby properties was considered acceptable on balance.

Councillor Purser addressed the Committee in his capacity as a Ward Member and spoke against the application. He voiced concern around the impact on local residents, potential safeguarding issues and noted that the proposal lacked any communal space for occupants, or space for staff.

In response to a question, Councillor Purser stated that he believed 1 member of staff would be inadequate to support all of the occupants of the development.

James Atkins, a local resident, addressed the Committee and spoke against the application. He voiced concern around the loss of privacy to properties opposite the proposed development and at the lack of amenities proposed. He believed that the town centre was a more appropriate location for such a development.

Councillor Stone addressed the Committee and spoke against the application and commented that the application was a severe overdevelopment which lacked amenities. She felt the proposal was unsuitable for young people and the applicant was focused on making money to the detriment of the occupants. She asked that the Committee defer the application so that it could come back with more amenities.

In response to a question, Councillor Stone felt that the proposed development would become a magnet for crime.

Roy Hammond, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that the town lacked this type of accommodation; the applicant was seeking to equip young people to succeed as adults. There would be 2 members of staff onsite during the day and 1 at night, and Mr Hammond noted that the Children's Trust supported the application. He further

noted that the application had been amended following concerns, that parking was provided as part of the application, national minimum space standards were met, and the unrestricted “bad neighbour” use would be removed.

In response to a question, Mr Hammond advised that the applicant operated similar properties in the town successfully.

Councillor Hill addressed the Committee and spoke in favour of the application. He commented that concerns around waste and parking had been addressed by the applicant. He noted that there were more than 1200 looked after children in the town that should not be marginalised, and that there was wide support for the application.

In response to questions, the Committee heard that an area of open space would be provided for the occupants, and that the windows could not be glazed as the outlook for occupants would be restricted.

Members discussed the report and made the following comments:

- Some felt that the application was admirable
- Some felt that there would be too many occupants and that a smaller number of units would be more appropriate.

Councillor King proposed and Councillor Connolly seconded that the officer recommendation be agreed. The recommendation was put to a vote and declared carried with 6 votes for and 1 against.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

34. **WNN/2022/0180 - Change of use from commercial property (sui generis) to 5 no. flats (use class C3). 26 Clare Street**

The Senior Planning Officer presented the report which sought approval for a change of use from commercial property to 5 flats. Members’ attention was drawn to the Addendum and amendments to conditions therein. An application to change the use to 7 flats was refused in January 2022. Cycle and waste storage would be provided to the rear of the property. It was noted that the Town Centre Conservation Area Advisory Committee had raised an objection to the application

Councillor Stone, in her capacity as Ward Member, addressed the Committee and spoke against the application. She commented that the area was already densely populated and suffered with waste issues. She stated that people living in small spaces with no outdoor space were prone to illness.

Sebastian Charles, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that the proposal met national minimum space standards and that the units were small but would be low-cost and aimed at professional people who would be out working for most of the day. He advised that the proposal removes the commercial use and residential will bring the

building back to life. He further advised that there was easy access to nearby green spaces and that the conservation area would be preserved by the development, and that there had been no further objections to the application.

Members discussed the report.

Councillor Russell proposed and Councillor King seconded that the officer recommendation be agreed. The recommendation was put to a vote and declared unanimously carried.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the Addendum

35. **WNN/2022/0650 - Construction of a pair of semi-detached offices (Use Class E) and associated parking area. Land rear of 84 to 86 Lower Thrift Street.**

The Principal Planning Officer presented the report which sought approval for the construction of a pair of semi-detached office buildings and associated parking. A previous application very close to the application site was refused by the Council and allowed at appeal. Office use was considered compatible with the area, and it was noted that whilst the Local Highway Authority had objected to the application, this was not considered justifiable grounds for refusal.

Councillor Purser addressed the Committee and spoke against the application. He commented that the application set a precedence for residential gardens to be filled with offices.

Roy Hammond, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that the area was in need of active frontages, and that the proposed development was modest in scale and design.

In response to a question, the Committee heard that the site was likely used as a stonemason, or that gravestones were recycled onsite; it was highly unlikely that people were buried in the gardens.

Members discussed the report.

Councillor Beardsworth proposed and Councillor King seconded that the officer recommendation be agreed. The recommendation was put to a vote and declared unanimously carried.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

36. **WNN/2022/0707 - Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants. 68 Bostock Avenue.**

The Principal Planning Officer presented the report which sought approval for a change of use from dwellinghouse to HMO for 5 occupants. Members attention was drawn to Highway comments in the Addendum. As part of the development, the existing large dining room window would be removed, and smaller window added. The room sizes exceeded the minimum space standards as required by the Council's adopted standards, and should the application be approved, the concentration of HMO properties in a 50m radius would be 9.45%. Whilst there was no parking proposed, the property sat within a sustainable location close to public transport links and shopping facilities.

Councillor Purser, in his capacity as a local Ward Member, addressed the Committee and spoke against the application. He noted that the proposed bathrooms were very small and stated that people living in the town centre still had cars. He stated that the town was losing family homes to HMOs.

Members discussed the report.

Councillor King proposed and Councillor Beardsworth seconded that the officer recommendation be agreed. The recommendation was put to a vote and declared carried with 4 votes for, 2 votes against and 1 abstention.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

37. **WNN/2022/0814 - Demolition of existing garage structures and erection of two storey partially adaptable dwelling. Land to rear 17 North Western Avenue.**

The Principal Planning Officer presented the report which sought approval for the demolition of existing garages and the erection of a two-storey, partially adaptable dwelling. Members' attention was drawn to the Addendum and further comments received. It was advised that the applicant had submitted several applications in previous years which were either withdrawn or refused by the Council. Officer opinion was that the proposal would be too close to the boundary, there would be no outlook from the proposed bedroom and its overall appearance would be very cramped.

Councillor Hawes addressed the Committee and spoke in favour of the application. She did not believe that the application was an overdevelopment; there were similar developments in the area, and there had been no objections from statutory consultees.

Stukeley James, the agent on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that there would be no change to the boundary and that partially obscured windows with less outlook can assist in making less able people feel safer where they have a degree of vulnerability.

In response to questions, the Committee heard that an elderly family member would be moving into the property; there would be space for a wheelchair, a lift, a wider staircase and doors, etc.

The Principal Planning Officer confirmed that the design of the dwelling was in-keeping with the surrounding area, but the tight relationship with the site boundaries would appear cramped. He advised that glazed windows were not appropriate for habitable rooms.

Members discussed the report and made the following comments:

- Members sympathised with the applicant but felt that the development would be cramped.
- Members felt that the application would be recommended for approval if it was in a less affluent area of the town.

Councillor Beardsworth proposed that the officer recommendation be agreed. There was no seconder.

Discussion was held with regard to the imposition of a S106 Legal Agreement if Members were minded to approve the application to ensure the occupation of the new dwelling remained ancillary to and tied to the existing dwelling at 17 North Western Avenue, the proposed accommodation being intended for an elderly family member.

Councillor Clark proposed and Councillor Dyball seconded that the application be approved contrary to the officer recommendation. The application was approved with 5 votes for and 2 abstentions.

**RESOLVED:**

That the application be **APPROVED** contrary to the Officer recommendation and **subject to the completion of a S106 Legal Agreement** to tie the occupation of the new dwelling to the existing dwelling at 17 North Western Avenue.

38. **Urgent Business**

None advised.

The meeting closed at 9.18 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_





**Northampton Local Area Planning Committee**

Minutes of a meeting of the Northampton Local Area Planning Committee held at The Jeffrey Room - The Guildhall, Northampton, NN1 1DE on Tuesday 4 October 2022 at 5.00 pm.

Present           Councillor Jamie Lane (Chair)  
                      Councillor Anna King (Vice-Chair)  
                      Councillor Muna Cali  
                      Councillor Paul Clark  
                      Councillor Raymond Connolly  
                      Councillor Sally Beardsworth  
                      Councillor Penelope Flavell

Also  
Present:           Councillor Purser

Apologies       Councillor Nazim Choudary  
for  
Absence:         Councillor Paul Dyball  
                      Councillor Cathrine Russell  
                      Councillor Zoe Smith

Officers:         Shaun Robson (Development Manager)  
                      Nicky Scaife (Development Management Team Leader)  
                      Kanchan Sharma (Senior Planning Officer)  
                      Adam Walker (Principal Planning Officer)  
                      Chris Wentworth (Principal Planning Officer)  
                      Simon Aley (Locum Planning Solicitor)  
                      Ed Bostock (Democratic Services Officer)

**39. Apologies for Absence and Appointment of Substitute Members**

Apologies for absence were received from Councillors Dyball, Russell, Smith, and Choudary.

**40. Declarations of Interest**

None advised.

**41. Minutes**

The minutes would be brought to the next meeting.

**42. Chair's Announcements**

The Chair advised that items 8b and 8c had been withdrawn prior to the meeting.

43. **Deputations/Public Addresses**

**RESOLVED:**

That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee:

**WNN/2021/0927**

John Roberts

**WNN/2022/0713**

Councillor Purser

44. **List of Current Appeals/Inquiries**

The Development Management Team Leader advised of no decisions reached by the Inspector but asked Members to contact the Planning department with any specific queries.

45. **Hazardous Substance Consent revocation in relation to Condition 22 of planning application N/2020/1212 'Outline Application (with access details) for the demolition of existing building and structures and redevelopment to provide new warehouse and distribution floorspace (Use Class B8) with ancillary office accommodation, access from Lilliput Road, with service yards, parking, landscaping and other associated infrastructure'. Howdens Joinery, Lilliput Road, Northampton**

The Development Management Team Leader presented the report which asked the Committee to approve the making of an Order under Section 14(1) of the Planning (Hazardous Substance) Act 1990 to revoke the Hazardous Substance Consent (HSC) at the site of MFI Group (also known as Howdens), Lilliput Road, Brackmills, Northampton. Revocation would be subject to confirmation by the Secretary of State. It was noted that the building had been demolished and storage tanks associated with the Hazardous Substance Consent had been absent from the site for more than 5 years. Planning approval had been granted for redevelopment of the site for a distribution warehouse units and works were nearly complete; a condition was included to secure the removal of the Hazardous Substance Consent.

Members discussed the report.

**RESOLVED:**

That the Order be **AUTHORISED** under Section 14(1) of the Planning (Hazardous Substance) Act 1990 seeking revocation of the Hazardous Substance Consent (HSC) at the site of MFI Group (also known as Howdens), Lilliput Road, Brackmills, Northampton, to be confirmed by the Secretary of State.

46. **WNN/2021/0927 - Reserved Matters Application (Appearance, Landscaping, Layout and Scale of Development) pursuant to Outline Planning Permission N/2016/0810 for 104no houses and flats, comprising 55no new build two and**

**three storey houses, 48no family sized flats within the retained and converted Bassett-Lowke Building and conversion of the retained Quinton Building into a three bed family home. University of Northampton Avenue Campus, St Georges Avenue**

The Principal Planning Officer presented the report which sought approval of reserved matters for the erection of 104 dwellings pursuant to outline planning permission N/2016/0810. Members attention was drawn to the Addendum. The reserved matters comprise the layout, scale, appearance and the landscaping of the development site. 55 of the proposed units were new build and the remaining units would be created from the conversion of existing buildings. Access was previously approved. The development would comprise 100% affordable housing, TPO protected trees to the west of the site would be retained and 2 play areas would be created. The application had been subject to extensive consultation.

John Roberts, the architect on behalf of the applicant, addressed the Committee and spoke in favour of the application. He commented that there were no technical objections to the application and that retaining the Bassett-Lowke building was more sustainable than it would be to demolish it and rebuild. EV charging points would be provided, national minimum space standards would be met throughout the development, and it would contribute to the Council's 5-year housing supply.

In response to questions, Mr Roberts advised that each house would have 2 parking spaces and a communal car park was provided for the flats. It was hoped that construction would begin by June 2023.

Members discussed the report and made the following comments:

- They thanked Mr Roberts for his statement
- The proposed development was well set out and would be a pleasant environment in which to live.

Councillor Clark proposed and Councillor Beardsworth seconded that the officer recommendation be approved. The recommendation contained within the report were put to a vote and was unanimously declared carried.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and as amended in the Addendum.

47. **WNN/2022/0301 - Erection of purpose-built student accommodation, with landscaping and associated works. Car Park, College Street**

This item was withdrawn prior to the meeting.

48. **WNN/2022/0407 - Change of Use from 4 bed flat (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants. 21B Gold Street**

This item was withdrawn prior to the meeting.

49. **WNN/2022/0625 - Ground floor single storey rear extension to enlarge toilet area, first floor rear extension to create larger dining area with balcony and amendment to existing rear fire escape stair and side access gates. The Old House at Home, 214 - 216 Wellingborough Road**

The Senior Planning Officer presented the report which sought approval for a ground floor single-storey rear extension to enlarge the toilet area, first floor rear extension to create a larger dining area with a balcony and amendment to existing rear fire escape stair and side access gates. A condition was included to restrict the hours of use of the balcony, and an obscure glazed screen to the edge of the balcony reduce overlooking. A further condition was included which required details of a noise management plan to be submitted to the Council. Concern had been raised by local residents regarding existing and potential noise, but it was noted that the existing use of the public house was not a matter for consideration by the Committee.

Councillor Purser, in his capacity as a Ward Member for the area, addressed the Committee and spoke against the application. He commented that residents had concern around the noise generated on the balcony at night and that the area suffered with antisocial behaviour and waste issues that could be attributed to the pub.

In response to questions, the Committee heard that existing noise issues were outside of the remit of Planning; noise complaints were dealt with by Licensing, and an additional condition could be included to require the re-arrangement of the pub's bins. It was noted that there were no objections from Environmental Health, subject to conditions. It was confirmed that there had been no noise complaints relating to the pub in the last 5 years.

Members discussed the report and made the following comments:

- Members hoped that Licensing were able to deal with any issues relating to the pub that were brought to their attention.
- Members would like to see an additional condition relating to waste included.

Councillor Lane proposed and Councillor Connolly seconded that the officer recommendation be approved, with an additional condition in respect of refuse storage details. The recommendation and additional condition were put to a vote and declared carried with 4 votes for and 1 vote against.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report with additional condition in respect of refuse storage details.

50. **WNN/2022/0713 - 11no apartments and associated refuse and cycle storage. 31 Abington Square**

The Principal Planning Officer presented the report which sought approval for a change of use of the existing first floor level of 31 Abington Square to 11 apartments. Access into the residential accommodation would be made from a new access from the rear of the building. The proposal would not provide any vehicle parking;

however, the site was in a sustainable location close to shopping facilities and public transport links. Ground floor cycle storage and residential refuse storage was proposed as part of the application. There were no statutory objections to the application.

In response to questions, it was explained that there was no policy base to require contributions towards libraries. It was also explained that there were 2 conditions included which related to noise.

Members discussed the report and made the following comments:

- Members were happy that a disused building would be brought back into use.

Councillor Cali proposed and Councillor Connolly seconded that the officer recommendation be approved. The recommendation contained within the report were put to a vote and was unanimously declared carried.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

51. **Urgent Business**

None advised.

The meeting closed at 5.57 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

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## Planning Committee Report

<b>Committee Date:</b>	<b>1<sup>st</sup> November 2022</b>
<b>Application Number:</b>	<b>WNN/2022/0454</b>
<b>Location:</b>	<b>The Market Square, Northampton</b>
<b>Development:</b>	<b>Public Realm Regeneration Scheme of the Market Square</b>
<hr/>	
<b>Applicant:</b>	<b>West Northamptonshire Council</b>
<b>Agent:</b>	<b>Gillespies</b>
<b>Case Officer:</b>	<b>Christopher Wentworth</b>
<hr/>	
<b>Ward:</b>	<b>Castle Unitary Ward</b>
<hr/>	
<b>Referred by:</b>	<b>Assistant Director of Place and Economy</b>
<b>Reason for Referral:</b>	<b>In the interest of transparency as the application is made by the Council</b>

### EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

#### **Proposal**

The application seeks full planning permission for improvement works to the Market Square, Northampton Town Centre. The proposed works include the installation of a water feature, permanent above ground tiered seating, 18 no. permanent market stalls, tree planting, re-laying of cobbles, new paving and new lighting.

#### **Consultations**

The following consultees have raised **comments** to the application:

- Town Centre Conservation Areas Advisory Committee
- Ecology
- Historic England

The following consultees have raised **no objections** to the application:

- Conservation
- Archaeology
- Northamptonshire Fire and Rescue

- Anglian Water
- Highways
- Environmental Health
- Northampton Town Council

7 no. letters of objection have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Design and Impact on Designated and Non-Designated Heritage Assets
- Impact on Highway Safety
- Impact of the Proposal on Amenity
- Ecology
- Archaeology
- Landscaping and Arboriculture
- Flood Risk

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The Market Square is located at the centre of Northampton town, and is fronted by a mix of retail, food and other business uses on all four sides. The Market Square is an important commercial area within the Town Centre. The site benefits from two primary access points, one from The Drapery and the second from Mercers Row connecting to Abington Street. Many of the buildings surrounding the Market Square are Listed and the site lies within the All Saints Conservation Area.

### **2 CONSTRAINTS**

- 2.1 The site is situated within the All Saints Conservation Area and is surrounded by several listed and locally listed buildings, a list of which are provided below:
- 32 and 32A Market Square (Listing ID: 1293593) – Grade II\*
  - Welsh House (Listing ID: 1190968) – Grade II
  - 1/22 Market Square (Listing ID: 1372210) – Grade II
  - 19 Market Square (Listing ID: 1190880) – Grade II
  - 18 Market Square (Listing ID: 1039631) – Grade II
  - Drury Chambers, 16 and 17 Market Square (Listing ID: 1372209) – Grade II
  - 1 Building with number 12 The Drapery (Listing ID: 1039701) – Grade II
  - Building with number 3 Drum Lane (Listing ID: 1039700) – Grade II



- 13 Market Square (Listing ID: 1190877) – Grade II
- 12 Market Square (Listing ID: 1039630) – Grade I
- 32 The Drapery (Listing ID: 1190299) – Grade II
- 8 Market Square (Listing ID: 1190873) – Grade II
- 7 Market Square (Listing ID: 1039629) – Grade II
- 5 Market Square (Listing ID: 1039628) – Grade II
- Victoria House (Listing ID: 1052418) – Grade II
- The Parade (Listing ID: 1039632) – Grade II
- Mercers Row (Listing ID: 1293566) – Grade II
- 4 Mercers Row (Listing ID: 1039633) – Grade II
- 5 Mercers Row (Listing ID: 1039634) – Grade II
- 6 Mercers Row (Listing ID: 1293571) – Grade II
- 10-11 Mercers Row – Locally Listed
- Mercers Row – Locally Listed
- The Parade – Locally Listed
- 20 Market Square – Locally Listed
- 15 Market Square – Locally Listed
- 14 Market Square – Locally Listed
- 4 Market Square – Locally Listed
- 6 Market Square – Locally Listed
- 8 The Drapery – Locally Listed

### 3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for works to the Market Square, Northampton Town Centre which include the installation of a water feature, permanent above ground tiered seating, 18 permanent market stalls, tree planting, re-laying of cobbles, new paving and new lighting.

### 4 RELEVANT PLANNING HISTORY

- 4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2022/0980	Footpath adjacent to 18 Market Square – Removal of existing BT Phone Box and Installation of replacement BT Street Hub	Approved
WNN/2022/0927	Telephone Box Opposite, No.8 The Parade – Removal of existing BT Phone Box and Installation of replacement BT Street Hub	Approved
WNN/2022/0910	Footpath adjacent to 18 Market Square Two digital 75 inch LCD Screens, one on each side of the Street Hub unit on footpath	Not yet determined
WNN/2022/0854	The Market Square – Re-siting of the existing combined BT Payphone/ATM Kiosk currently located on public footway O/S 3-5 Market Square to 17 Market Square	Approved
WNN/2022/1072	Commercial Street Car Park – Change of use from car park to temporary location for Northampton Market Stall Holders with associated works	Not yet determined

- 4.2 The above application, WNN/2022/1072, is for the relocation of the market for a temporary period whilst development works within the existing Market Square are undertaken. Whilst it is noted that concerns have been raised regarding this temporary relocation of the market within the consultation responses on this application, this matter is not materially relevant to the consideration of the proposed development. This is because the proposals are separate planning applications. As such, weight cannot be attributed to this matter when determining the current application for the improvements to the public realm.

## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

### **Development Plan**

- 5.5 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### **West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LLP1)**

- 5.6 The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
- SA – Presumption in Favour of Sustainable Development
  - S1 – Distribution of Development
  - S2 – Hierarchy of Centres
  - S7 – Provision of Jobs
  - S8 – Distribution of Jobs
  - S9 – Distribution of Retail Development
  - S10 – Sustainable Development Principles
  - S11 – Low Carbon and Renewable Energy
  - C1 – Changing behaviour and Modal Shifts
  - C2 – New Developments
  - E1 – Existing Employment Areas
  - BN1 – Green Infrastructure Connections
  - BN2 – Biodiversity

- BN5 – The Historic Environment and Landscape
- BN7 – Flood Risk
- BN9 – Pollution Control
- Northampton Central Area Action Plan (CAAP) (2013) - Policies
  - Policy 1: Promoting Design Excellence
  - Policy 3: Public Realm
  - Policy 31: Market Square

## **Material Considerations**

- **National Planning Policy Framework (NPPF)**

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

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 6 – Building a strong and competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Design

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications:

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Placemaking and Design
- Policy 4 – Amenity and Layout
- Policy 5 – Carbon Reduction, Community Energy Networks, Sustainable Design and Construction and Water Use
- Policy 8 Supporting Northampton's Town Centre Role
- Policy 12 – Development of Main Town Centre Uses
- Policy 31 – Protection and Enhancement of Designated and Non-Designated Heritage Assets

- **Supplementary Planning Guidance – All Saints Conservation Area Appraisal**

## 6 RESPONSES TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Town Centre Conservation Areas Advisory Committee	No objection	<p>Query whether the fixed features (seating, stalls, water feature) achieve the objective of creating a flexible space.</p> <p>The provision of permanent structures will adversely affect the character and appearance of the Conservation Area due to the cluttered appearance it will have.</p> <p>Concerns regarding the cost of maintaining the water feature.</p> <p>Funding should be directed to the buildings surrounding the Market Square as well as the Square itself.</p> <p>The reuse of the cobbles in a modern banding design was considered broadly acceptable.</p>
Conservation Officer	No objection	<p>No objections in principle. Comments summarised below:</p> <p>The proposed scheme is a conscious attempt to move away from the existing character of the Market Square and to create a new character based on 21st century considerations.</p> <p>The overall aim of the scheme should be to enhance or better reveal the impact on the character and appearance of the conservation area and to minimise harm to the setting of the listed buildings.</p> <p>A number of minor alterations to the proposed scheme would achieve this objective.</p> <p>Harm to above ground historic fabric is limited. The proposal to re-use a proportion of the historic cobbles is welcome, but greater consideration should be given to their placement to provide greater historic context.</p>

		<p>There is some harm to the open character of the square, particularly through the proposed tree planting, which is considered to be a permanent rather than reversible addition to the Market Square. It is noted that the proposed trees are placed in front of the poorer quality 20th century buildings, but there are concerns about the visibility and setting of the listed buildings in the north east corner of the Market Square.</p> <p>There are less concerns about the 'permanent' market stalls (providing these are semi-permanent structures without structural foundations). Design will be crucial, but these structures are found in many market areas. The final design and location should aim to allow maximum visibility of the historic structures surrounding the Market Square.</p>
Historic England	Raise concerns	<p>Raises concerns with regards to the application on heritage grounds and archaeological remains.</p> <p>Key concerns with regards to heritage impacts are the proposed contemporary cobble banding being contextually inappropriate and the water feature which is considered not to respect the character of the linear market square.</p> <p>There are gaps in the archaeological findings within the submitted reports, with further work required to ensure all works undertaken would not cause significant harm to the archaeological assets.</p> <p>Agree with the Council's archaeologist regarding the main concerns being the water tank and tree pits.</p>
WNC Ecology	No objection	<p>Concerns raised regarding the proposed lighting scheme and potential impacts on bats. The key area of concern is the Exterior 1 Evaluation Area along the west side of the square. The suggested lux lighting levels are above 5, whereas the standard for older buildings with potential for bat roosting would be 1-2 lux as a maximum.</p> <p>Ecology Officer recommends a condition</p>

		(Condition 9 of the recommendation) for additional lighting details, as it is expected that suitable mitigation measures can be used.
WNC Archaeology	No objection	<p>There have been on-going discussions between Archaeology and the applicants/their consultants.</p> <p>Acknowledges the greatest impact on archaeology will be the tank room for the water feature and tree planting pits.</p> <p>Recommend that a condition is imposed (Condition 5 of the recommendation) to secure a programme of archaeological works prior to the commencement of development.</p>
Northamptonshire Fire and Rescue	No comments to make on the application	
Anglian Water	No objection	Response received, no specific comments on this application type. Direct applicant/officers to their standard advice.
WNC Highways	No objection	<p>The existing access points at The Drapery and Abington Street are to remain.</p> <p>Consideration has been given to internal layout and allows for safe access routes for large vehicles</p> <p>It has been demonstrated there is suitable access for large vehicles at The Drapery access point.</p> <p>A condition is recommended to restrict the use of the Abington Street Access for large vehicles (over 8.6m long single wheelbase)</p> <p>There is sufficient space around all walking routes for pedestrians</p>
WNC Environmental Health	No objection	Lighting will conform with the ILE guidance, no further comments to make in relation to light nuisance or pollution. No information has been provided in respect of the noise from plant, as such a condition securing a noise impact assessment with any measures necessary for mitigation is recommended (included at Condition 10 of the

		recommendation)  The recommendations within the Ground Investigation Report are agreed, and a condition is recommended to secure the necessary in case unknown contamination is identified on site (Condition 14 of the recommendation).
Northampton Town Council	Response received, no comments made.	

## 7 RESPONSES TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1 There have been letters of objection from 7 no. interested parties, raising the following planning matters:
- Poor consultation between the Council (applicant) and existing Market Traders
  - Cycle parking provision is welcomed and should be increased in the Town Centre
  - Decrease in the number of existing to proposed market stalls will have a detrimental effect on the commerciality of Traders
  - Positioning of market stalls in the proposed locations is unacceptable and not in high footfall areas, causing harm to the commerciality of Traders
  - Desire for the Market Traders to remain in the Market Square during the construction works
  - The proposals will increase antisocial behaviour within the Town Centre.
  - Lack of consultation.
- 7.2 Comments have been received regarding the access arrangements to the frontage of properties surrounding Market Square
- 7.3 Relocation during construction to Commercial Street is unacceptable and will result in the closure of market stalls/loss of Traders
- 7.4 Northampton Together Civic Society – objects to the proposals
- Whilst the siting of permanent stalls has advantages, consider the negatives of the proposal outweigh the benefits
  - Permanence of stalls/huts reduces the multi-functionality of the Square
  - Permanent stalls may give rise to other issues like pests, and have a greater expense due to on-going maintenance
  - A more traditional design and appearance would be preferable
  - Request for further public consultation on the design
  - Paving design is too contemporary and out-of-keeping with the location
  - Deconstructed square concept does not reflect the character of the area or the strengths of the site
  - Consider it possible to re-use more of the cobbles than the current proposals allow
  - Unclear on whether any lighting is proposed

- The proposals cause harm to the heritage and significance of the site, Conservation Area and surrounding Listed Buildings
- 
- Historic routes through the Town Centre should be reinstated rather than new routes
- Access to Greyfriars through the demolition of a building in The Parade is unacceptable, the existing underused access should be improved
- Whilst providing trees/shrubs in the Market Square is welcomed, concerns regarding the impact on the historic integrity of the site are raised
- The location of the water feature in the South West corner of the site, is considered the wrong location due to the positioning in the shaded area and concerns raised regarding on-going maintenance /potential for anti-social behaviour
- Request for full transparency on how the funding secured will be used
- Existing street furniture should be re-used/refurbished
- The proposals do not align with other proposals such as those for Market Walk, a cohesive approach should be used.

7.5 4 no. petitions have been submitted to West Northamptonshire Council regarding the proposed works related to the Market place and Northampton Market. These petitions were not submitted direct to the Planning Authority in relation to the current planning application. The petition titles and number of signatures are outlined below:

- Are you happy with the way this Tory council is running our town centre – If no, please sign – 1014 signatures.
- Do you think the people of Northampton and its Market Traders should have a greater say on the new design and layout of the Market Square? If yes, please sign our petition – 4654 signatures.
- Do you think £668,000 for another water feature in our Market Square is another waste of money? – 2475 signatures.
- Save our Northampton Market – 2418 signatures.

## 8 APPRAISAL

### Principle of Development

8.1 The application seeks full planning permission for a series of changes to the Market Square to regenerate and improve the public realm. The proposal does not result in a change of use and as such, the principle of development is acceptable.

### Design and Impact on the Designated and Non-Designated Heritage Assets

8.2 The relevant policies are Policy BN5 of the Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan, Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

8.3 The central area of Northampton retains a considerable amount of the historical character, including the medieval street pattern and listed buildings which contribute to the character and appearance of the area. The Market Square is an important feature of the central area, with the continued market use of the Square drawing the public to the Town's Central area and the historical context in which it sits, surrounded by listed and locally listed buildings and All Saints Conservation Area. Whilst much of the historic fabric remains, there have been contemporary additions through the construction of new buildings, modern shop signage, street furniture as well as an opportunity to address some of the tired public realm features.



- 8.4 The significance of the Market Square is considered to come from the Square's historical, aesthetic and communal elements. Historically, the continued usage for trading for over 700 years, being one of the largest market squares within the Country and its location at the heart of the remaining medieval street pattern of Northampton. The contribution the Square makes to the understanding of the historic function of the Town Centre and surrounding listed buildings as a functional, commercial area. Aesthetically, the Market Square contributes to the understanding of the function of the Town Centre through its contribution to the setting of the listed buildings and conservation area. Whilst modern infrastructure and developments have been made within the Market Square, aesthetically, it remains functional. In addition, the Market Square contains several historic structures and vantage points, including 2 market crosses, an obelisk, a cast iron water feature and public art. Communally, whilst the Market Square has a primary function for trade, it is also used as a gathering space for the community, with historic and continued used for a wide variety of events.
- 8.5 The Market Square, together with its surrounding listed buildings, has a strong historical and visual relationship and associative attributes. The interrelationship between the Square and the buildings, contribute to each other, the Market Square contributes to the setting of the listed buildings and likewise, the historic buildings contribute to the setting of the Market Square. This relationship and legibility contribute the holistic heritage value.
- 8.6 There are considered several key elements to the proposal, which are:
- The replacement of the existing hard-surfacing materials;
  - The introduction of permanent market stalls;
  - Introduction of tree planting;
  - New seating areas and street furniture such as bollards and public art
  - New water feature
  - Provision of lighting
- 8.7 As required by Planning Policy, consideration must be given to the impact of the proposed development on the significance of the heritage asset which include the listed buildings, locally listed buildings and All Saints Conservation Area.

#### *The Replacement of the Existing Hard-Surfacing Materials*

- 8.8 The Market Square currently has a mixture of modern red brick pavements (dated to the 1980s) with tarmac patches, granite paving areas and historic cobbles that are assumed to have been re-laid at the same time as the pavements were introduced. The proposal seeks to retain some of the cobbles within the Market Square, in a criss-cross/diagonal pattern across the square. The design statement provided sets out that this pattern of re-using the cobbles has been designed to guide pedestrians through and into the main square whilst retaining the historic cobbles within the Market Square. It is noted that concerns have been raised with regards to the limited re-use of cobbles and the banding arrangement within the hard-surfacing proposals. The concerns outline that it would be of benefit to the significance of the Market Square if more cobbles are retained and re-used whilst a more standard linear arrangement for the banding would help retain the legibility of the Square.
- 8.9 Overall, Officers consider that the proposed replacement of the existing hard-surfacing materials would result in less than substantial harm to the significance of the Market Square and the contribution it makes to the All Saints Conservation Area

and the setting of listed and locally listed buildings. This harm is considered to be of low to moderate less than substantial harm, as it is considered that whilst the proposal would change the appearance of the hard-surfacing within the market square, some of its value has been lost through the introduction of modern red-brick pavements and re-laying of the cobble stones. Whilst the proposed diagonal alignment of the cobbles does not have an historical significance, it is considered to be of small benefit to the public through the drawing of the public into and through the Market Square.

#### *Installation of Permanent Market Stalls*

- 8.10 The proposal includes areas of permanent markets stalls and spaces for pop-up temporary stalls. The layout plans show permanent stalls aligned alongside the Market Walk development and some within the centre of the Market Square. It is noted that the Council's Conservation Officer does not raise objections to the positioning of the market stalls adjacent to the Market Walk development on the eastern side of the square, as the stalls help to screen the modern development. However, concerns have been raised regarding the siting and foundations for the permanent stalls within the Market Square.
- 8.11 The views from the north-east looking west will be opened up by the removal of the market stalls and positioning of lower level public seating to take account of these views across the Market Square. To increase legibility and fluidity across the Market Square, the stalls have been positioned in groups, with the temporary stalls located at the centre.
- 8.12 The Market Stalls are considered to be of an appropriately modern design, to support continued usage of the commercial activities and reflect the historic market character of the Square. The positioning of the permanent market stalls helps to screen the contemporary buildings, which are less attractive and draw visitors to the views across the historic area of the Market Square.
- 8.13 The proposed permanent market stalls are considered to cause moderate less than substantial harm to the setting of the Listed Buildings and Conservation Area, with public benefit secured through the continued, and updated commercial use of the site as a market.

#### *Introduction of Tree Planting*

- 8.14 The proposal includes the removal of 1 category B tree at the south of the Market Square and the provision of 11 new trees, along the west side of the Square. The Conservation Officer has noted that the All Saints Conservation Area Appraisal outlines the positive contribution the trees at the south of the site make to the Conservation Area. The removal of the category B is considered to be an unfortunate loss; however, it will increase visibility of the desire lines across the Market Square and improve visibility south to north through the square. The more attractive Category A tree would remain and its opportunity to grow improved through the removal of the category B tree. Overall, there is considered to be some improvement to public views across the site as a result of the proposal, which is of benefit to the setting of the Listed Buildings and Conservation Area.
- 8.15 The Conservation Officer has raised concerns with the proposed tree planting as the introduction of trees is not in keeping with the hard, urban character of the Market Square and as such, this character may be diluted. In addition, the Officer is concerned that the trees would become permanent fixtures which would not be easily

reversible. Whilst the provision of trees is not something which is linked to the history of the Market Square or its significance, the positioning of new trees along the more contemporary western edge will provide some screening to the less attractive buildings. The Market Square would remain open as a result of the proposed tree planting and associated commercial activities could take place with the trees in situ. As such, there is considered to be some modest improvement to the legibility of the Listed Buildings Conservation Area, making a contribution towards the improvement of their settings.

#### *New Seating Area and Street Furniture*

- 8.16 On the whole, the provision of new seating areas and street furniture is considered acceptable and would make improvements to the public realm within the Market Square. The existing street furniture would be consolidated and replaced where necessary. A condition securing the final designs of the proposed street furniture is included as part of the recommendation of this application.
- 8.17 However, the Conservation Officer has raised concerns with the raised seating that is proposed at the north-east corner of the square and that the lack of reversibility of the proposal would detract from the setting of the listed buildings. It is considered that the provision of seating within the market Square would not significantly adversely impact upon the setting of the nearby listed buildings, with particular reference to Beethoven and Welsh House due to the low level nature of the seating. Furthermore, the use of high quality materials in the construction of the seating along with the public benefits of securing facilities for user of the market place are considered to weigh in favour of the proposal and sets aside the limited harm to the nearby heritage assets.

#### *New Water Feature*

- 8.18 Over time commemorative structures and elements have been placed within the Market Square to illustrate Northampton's history, which contribute to the interchangeability associated with the space and how it is used. The proposed water feature is one such commemorative piece providing both public art and play functions to demonstrate the history of the shoe making industry within the Town. With the design referencing the interlacing of shoes. The Conservation Officer has raised no objection to the proposed water feature and recommends a condition securing the ongoing maintenance of the feature. The water feature is considered to be of modest public benefit, providing a contemporary public art feature, showing the history of Northampton.

#### *Provision of lighting*

- 8.19 The application includes details of new lighting columns to be provided within the Market Square. The columns would be reduced in quantity from the existing 13 columns to the proposed 11 columns. This would reduce the clutter within the Market Square, which is considered to be of some limited benefit to the character of the Conservation Area and setting of the Listed Buildings. The proposed columns would bring the lighting up to current standards, with some energy efficiency benefits and improvements to light within the Square. It is noted that objections to the proposed lighting have not been received from the Conservation Officer.

#### *Conclusion of the impact of designated and non-designated heritage assets*

- 8.20 The proposal is considered to cause less than substantial harm to the setting of the designated heritage assets which in this case are the surrounding Listed Buildings

and All Saints Conservation Area. The less than substantial harm arising is considered to be of low to modest level, as the proposed interventions are of a relatively small-scale, and would allow the character as a historic market square and its continued commercial use to remain.

- 8.21 Where less than substantial harm is to be caused by a proposal, the Local Planning Authority is required to assess whether the proposal would result in public benefits that outweigh the harm caused (Paragraph 201 of the NPPF). The submission includes a statement outlining the need for improvements to the Market Square, in order to make the space more attractive for visitors to support the currently declining local economy. Following consultation with the public and advice from consultants, the scheme has been designed to improve footfall and support the local economy. In addition, there are social benefits associated with the proposal, by illustrating the history of Northampton through carefully designed features, creating a space where people want to visit and socialise and through improvements to the existing Market Square. There are substantial demonstrable benefits from the scheme. Whilst some elements may result in modest less than substantial harm, when taken as a whole, the development proposed is considered to result in substantial public benefit which outweighs the low to modest less than substantial harm caused to the setting of the designated heritage assets.
- 8.22 The Local Planning authority therefore considers that the proposal is acceptable, fulfilling its statutory duty to pay special regard to the conservation and enhancement of the historic environment. The proposal would accord with saved policy E20 of the Northampton Local Plan, Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act and Section 16 of the NPPF.

#### Impact on Highway Safety

- 8.23 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Detailed and complementary guidance on parking requirements is set out in the Northamptonshire Parking Standards and Northampton Parking Standards SPD.
- 8.24 The application utilises the existing access points at The Drapery and Abington Street. It is considered that the proposals would not result in a significant increase in anticipated traffic as a result of the proposed public realm improvements, above that expected for a Town Centre. As such, the proposal is considered not to generate requirements for additional parking or highway safety mitigation above that already accessible for visitors to the Town Centre. As such, an increase in parking or other mitigation is not required to support the proposals.
- 8.25 The Highways Officer notes that the internal layout sufficiently allows for safe access routes for large vehicles. To ensure that highway safety is acceptable, the Officer recommends a condition restricting the use of the Abington Street Access for any vehicles that are over 8.6m long single wheelbase. This condition has been included as part of the recommendation on this application. The Highways Officer has confirmed that the proposal allows sufficient space for pedestrians and walking routes.

- 8.26 The proposals are considered to have an acceptable impact upon highway safety and would accord with Policy C2 of the Joint Core Strategy and paragraph 111 of the NPPF.

#### Impact of the Proposal on Amenity

- 8.27 Saved Policy E20 of the Northampton Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.28 The proposal seeks improvements to the public realm which include the provision of new street lights, water feature and new permanent market stalls. As the site is part of the public realm, consideration must be given to the impacts on members of the public in terms of light, noise and ground contamination.

#### *Light Pollution*

- 8.29 The application has been supported by a lighting scheme and Lighting Assessment showing the level of lux proposed at various locations within the Market Square. The Environmental Health Officer has confirmed that the proposed lighting conforms to ILE guidance and is considered not to cause a light nuisance or result in unacceptable pollution.

#### *Noise Pollution*

- 8.30 It is acknowledged that some plant may be required such as for the water feature operation and permanent market stalls. However, this information has not been provided as part of the application. A condition requiring the submission of a noise impact assessment together with any mitigation measures, prior to the installation of any operational plant is included as part of the recommendation. Officers consider that there are options to provide acceptable solution to operational plant.

#### *Ground Contamination*

- 8.31 The application is supported by a Ground Investigation Report which concludes that no elevated concentrations of contaminants were recorded and there is a low risk of contamination on site. The report recommends that a Discovery Strategy is implemented to account for any unexpected matters arise during development. This is a standard approach for identifying and mitigating against unexpected contamination on site. Other recommendations are made within the submitted Ground Investigation Report, such as further testing of existing concrete if it is to be used in the development are made. The Environmental Protection Officer has confirmed that the Ground Investigation Report as submitted is acceptable, and the recommendations made within the report should be secured via suitable planning conditions. Suitable planning conditions form part of this recommendation.
- 8.32 In terms of the impact of the proposal on the amenity of the public, subject to the imposition of suitable conditions as recommended, the proposal is considered not to cause harm to the amenity of the public, either as users of the Market Square or surrounding occupants. As such, the proposal would accord with saved policy E20 of the Northampton Local Plan and guidance contained within the NPPF.

#### Ecology

- 8.33 The Council's Ecologist has assessed the proposed lighting scheme and considered the potential impacts on bats. The Ecologist has raised concerns regarding the proposed lighting scheme, in particular, the Exterior 1 Evaluation Area which is situated along the west side of the square. The submitted Lighting Assessment shows that in this area, the lux lighting level would be above 5, whereas the standard for older buildings with potential for bat roosting would be 1-2 lux. The Ecologist acknowledges that suitable mitigation measures can be used to overcome the concerns, and that this could be secured by a condition securing additional lighting details. As such, Officers have included a suitable condition as part of the recommendation.

#### Archaeology

- 8.34 Given the history of the site, there is the potential for archaeological assets to be located within the site. The proposal includes elements which require the introduction of elements below ground level, such as tree pits, the tank room for the water feature and foundations for the permanent stalls. As such, a condition securing programme of archaeological works prior to the commencement of development, as recommended by the Archaeologist.

#### Landscaping and Arboriculture

- 8.35 The proposal includes the removal of one category B tree at the Abington Street entrance. The tree to be removed is positioned on a main desire line between Abington Street and The Drapery. The low canopy height of the tree restricts views into the square and impacts upon the growth of the adjacent Category A Tree. By removing the category B tree, the desire line will be improved along with the growth and visibility of the Category A tree.
- 8.36 In addition the proposal includes the provision of 11 new trees. These new trees have been carefully positioned to frame the space, provide shade to the shopping and seating areas and screen less attractive buildings which front the Market Square. Whilst the final species have not yet been selected, they will be chosen based on specific details including height, spread. Conditions are recommended which secure suitable landscaping details, including landscaping scheme and landscaping management plan.

#### Flood Risk

- 8.37 Given the scale of the proposed development, the application is supported by a Flood Risk Assessment. The Flood Risk Assessment shows that the site is located within Flood Zone 1, areas with the lowest risk of flooding. The proposed drainage will connect into both the existing adopted and non-adopted sewers, with the majority of the existing drainage retained in the Market Square. Overall, given the relatively small scale of the proposed development which includes street furniture, water feature and permanent market stalls and the site's location within Flood Zone 1, the proposed drainage layout is considered to be satisfactory.

### **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

### **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal seeks improvements to the public realm in the Market Square, Northampton Town Centre, through the provision of new market stalls, street furniture, a water feature and other associated works. The proposal has been brought forward following consultation with the public and after assessing the need to support the local commercial activities and economy.
- 10.2 The site is an important historic feature within the Town Centre and is located within the All Saints Conservation Area and is surrounded by many Listed and locally listed buildings, which makes a positive contribution to the area and the significance of the site. Officers have identified that as a result of the scheme as a whole, there would be less than substantial harm caused to the character of the Conservation Area and the setting of the Listed Buildings. This harm is considered to be outweighed by the substantial public benefits of the proposal, which include providing support to the local economy, increasing footfall, providing new spaces for socialisation and improvements to the public realm by consolidating existing street furniture and the planting of new trees.
- 10.3 Other technical matters as outlined in the above assessment are acceptable or could be made acceptable through the imposition of conditions.
- 10.4 Therefore, on balance, the proposed development is considered to accord with local and national policies, and guidance. The application is recommended for approval subject to conditions which are considered to be reasonable and necessary to make the development acceptable, as set out in the following section.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The application is recommended for approval subject to the following conditions:

### Time Limit

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

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

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

NMS-GIL-DRG-ZZZ-ZZ-LA-0100 T07, 0002225123-E-R8-29032022 R8, NMS-GIL-DRG-ZZZ-ZZ-LA-0403 01, NMS-GIL-DRG-ZZZ-ZZ-LA-0400 01, NMS-GIL-DRG-ZZZ-ZZ-LA-0401 01, NMS-GIL-DRG-ZZZ-ZZ-LA-0102 01, -ZZ-ME-0401 A1, NMS-GIL-DRG-ZZZ-ZZ-LA-0110 11, -ZZ-ME-0101 A1, AIP 18/21 Stall Type 1 1, AIP 18/21 Stall Type 2 (A-B-C-G) 1, AIP18/21 Stall Type 2 (A-D-E-F) 1.

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

3. CEMP

Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the

construction period and the approved measures shall be retained for the duration of all construction works unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall detail the following:

- the parking and turning of vehicles of site operatives and visitors.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles.
- wheel washing facilities.
- measures to control the emission of dust and dirt during demolition and construction.
- a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- design of construction access.
- hours of construction work.
- control of noise and/or vibration.
- measures to control overspill of light from security lighting.

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of construction works.

Reason: In the interests of residential amenity to comply with Policy BN9 of the Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### 4. Archaeology Foundation Details

Prior to the commencement of development, a detailed design and method statement relating to the foundations and all new ground work shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved design and method statement.

Reason: To avoid damage to any archaeological remains on site as set out in BN5 of the West Northamptonshire Joint Core Strategy.

#### 5. Archaeology Programme of Works

Prior to the commencement of development, the applicant, their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full in accordance with the approved scheme.

Reason: To avoid damage to any archaeological remains on site as set out in BN5 of the West Northamptonshire Joint Core Strategy.

#### 6. Material Sample Panel of Hard Surfacing

A sample panel of the materials to be used in the construction of the external hard surfaces of the development hereby approved shall be provided on site to view. Prior



to the commencement of development, details of the sample panel shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

7. Sample of External Materials

Prior to the commencement of development samples of the materials to be used in the construction of the street furniture and permanent market stalls of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These details should include the colour and finish of the external treatment of the street furniture and permanent market stalls as shown on the approved plans. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

8. Details of Materials

Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

9. Lighting Details

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

Reason: In the interests of protected species, to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

10. Operational Plant

Prior to the commencement of development, a scheme detailing all plant, machinery, ducting, filters or extraction vents to be used in connection with the use have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to the use commencing and be so retained.

Reason: In the interests of protected species, to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. Landscaping Scheme

Prior to the commencement of development, a scheme of landscaping, which shall include details of both hard and soft landscape works and earthworks, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary, continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

12. Landscaping Management and Maintenance Plan

Prior to the commencement of development, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

13. Tree Protection

"Retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars; and paragraphs 1. and 2. below shall have effect until the expiration of 3 years from the date of the first occupation of the building for its permitted use.

1. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998 (Tree Work).
2. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
3. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

14. Site Contamination

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 and where remediation is necessary a remediation scheme must be 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.

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

15. Cycle Parking

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

Reason: To ensure the provision of adequate facilities in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1.

16. Restriction of Use of Abington Street Access

The Abington Street Access for vehicular use shall not be used by large vehicles that have in excess of an 8.6m long single wheelbase.

Reason: In the interests of highway safety in accordance with the requirements of the NPPF.





# Planning Committee Report

**Committee Date:** 1<sup>st</sup> November 2022

**Application Number:** WNN/2022/0397

**Location:** Rear of 21-23, Bridge Street, Northampton

**Development:** Demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43no affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions

**Applicant:** A Z Investments

**Agent:** LMR Designs Ltd

**Case Officer:** Christopher Wentworth

**Ward:** Castle Unitary Ward

**Referred by:** Assistant Director of Place and Economy

**Reason for Referral:** Major application requiring a Section 106 Agreement

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to conditions as deemed necessary;  
 And **SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT** to secure the following planning obligations:

- 35% onsite affordable housing provision.
- Early years education financial contribution.
- Primary education financial contribution.
- Construction futures financial contribution.
- NHS healthcare provision financial contribution.

### Proposal

Planning application is sought for the partial demolition of 21-23 Bridge Street (The Angel Hotel) (front facade to be retained and repaired) to create 43 no. affordable apartments, office and commercial Spaces with refuse and cycle storage provision.

### Consultations

The following consultees have raised **objections** to the application:

- Housing Strategy

The following consultees have raised **no objections** to the application:

- Anglian Water
- LLFA
- Historic England

The following consultees have **commented** upon the application:

- Town Centre Conservation Area Advisory Committee (TCCAAC)
- Environmental Health
- Conservation
- Highways
- NHS
- Development Management
- Northants Police
- Ecology

The following consultees are **in support** of the application:

- Northampton Town Council

1 no. letter of objection has been received and zero letters of support have been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Highway Safety
- Residential Amenity
- Heritage Impacts
- Design and Appearance

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The property is a Grade II Listed Building located approximately halfway along Bridge Street and within the All-Saints Conservation Area. The site is located on the corner of Bridge Street and Angel Street a narrow single width road which, since scaffolding was attached to the property, has resulted in Angel Street being closed to traffic. Although built in 1814-16 and altered over the years, the hotel was recorded in the Michelin Guide in 1920 as a comfortable hotel with modern improvements; it had central heating, telephone, garage with inspection pit and offered special rates for chauffeurs of guests.

- 1.2 The site comprises a former hotel site but in the 1990's became a bar and night club, which has been used as two separate retail uses historically. In 2012 the site was consumed by fire and significant damage was done to the upper floors of the building. The nightclub on the ground floor subsequently re-opened, but the scaffolding and roof tent has remained since that time. This part of the site has remained in use as the Balloon Bar.
- 1.3 Bridge Street has a variety of building styles, many of which are buildings noted for their historic importance. In addition, there are a number of more modern buildings in the vicinity, such as 1 Angel Square (occupied by WNC) and office buildings, on Bridge Street, to the south of the site. The uses in this area are predominantly Class E and Sui Generis including bars, clubs and restaurants.

## **2 CONSTRAINTS**

- 2.1 Grade II Listed Building.
- 2.2 All Saints Conservation Area.

## **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 Planning application is sought for the partial demolition of 21-23 Bridge Street (The Angel Hotel) (front facade to be retained and repaired) to create 43 no. affordable apartments, office and commercial Spaces with refuse and cycle storage provision.

## **4 RELEVANT PLANNING HISTORY**

- 4.1 The following planning history is considered relevant to the current proposal:
- 4.2 N/2012/0031 Listed Building Works – Create middle bar, bin store, covered lobby, toilets and fire escape (retrospective) - Approved
- 4.3 N/2012/0030 - Fire escape – retrospective - Approved
- 4.4 N/2012/1055 – Repairs to roof and party wall and internal alterations. Approved 07/12/2012
- 4.5 N/2013/0754 - Additional entrance for access to upper floors on Angel Street including change of use of upper two storeys from hotel (use C1) into office accommodation (use B1). (As amended by revised plans received 25/07/2013). Approved 06/09/2013 (Fat Cats)
- 4.6 N/2013/0650 - Restoration and reconstruction of building following fire damage including enhanced thermal insulation, removal of internal staircase and provision of new repositioned staircase, removal of damaged internal walls, new internal lift and new door opening to Angel Street (As amended by revised plans received 25/07/2013). Approved 06/09/2013 (Fat Cats)
- 4.7 N/2017/0569 - Listed Building Application for removal of existing temporary tented roof structure and replace with temporary new felt roof for 3 years. Approved 11/07/2017 (Fat Cats)
- 4.8 N/2017/0566 – Proposed temporary replacement felt roof for 3 years. Approved 11/07/2017 (Fat Cats).

- 4.9 N/2017/1700 – Planning application for the proposed demolition of 21-23 Bridge Street and redevelopment to create a 60-bedroom hotel with bistro and ground floor retail units and bar provision – Approved – 23/09/19.
- 4.10 N2017/1710 – Listed Building application for the proposed demolition of 21-23 Bridge Street and redevelopment to create a 60-bedroom hotel with bistro and ground floor retail units and bar provision – Approved – 23/09/19.

## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).
- 5.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

### **National Policies**

- 5.3 National Planning Policy Framework (NPPF)
- Section 6 – Building a strong, competitive economy
  - Section 7 – Ensuring the vitality of town centres
  - Section 11 – Making effective use of land
  - Section 12 – Achieving well-designed places
  - Section 16 – Conserving and enhancing the historic environment
- Paragraphs 192, 193, 194, 195 and 198 are particularly pertinent to the proposal. This sets out the tests to be addressed in terms of the impact on Listed Building, in particular in terms of an assessment of harm and where demolition is proposed.

### **West Northamptonshire Joint Core Strategy (Local Plan Part 1)**

- 5.4 The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:
- Policy S10 Sustainable Development Principles sets out that development will achieve high standards of design and will protect, conserve and enhance the built and natural environment.
  - Policy BN9 – planning for pollution control refers to the need to minimise the adverse impacts of noise.
  - Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.
  - Policy BN7 – flood risk and management.



- Policy BN7A - water supply quality and wastewater infrastructure
- Policy S2 – Hierarchy of centres. To ensure the vitality and viability of the Town Centre is maintained and enhanced commensurate with its role and function and not result in an adverse impact on the long-term future vitality and viability of the centre or put at risk future investment in Northampton Town Centre.

### **Northampton Central Area Action Plan 2013**

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

- Strategic Objective SO2: a well-designed town centre.
- Policy 1: Promoting Design Excellence – make efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.
- Policy 13: Improving the retail offer.
- Policy 21: Angel Street – Be sympathetic to the change in topography of the site and its setting in terms of the form and height and in particular not impact on the strategic views of All Saints from the south or the north.

### **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

5.6 Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development – *Significant Weight*.
- Policy 2 – Placemaking and Design – *Moderate Weight*.
- Policy 4 – Amenity and Layout – *Moderate Weight*.
- Policy 9 – Regeneration opportunities in the central area.
- Policy 13 – Residential and other residential led allocations – *Significant Weight*.
- Policy 14 – Type and Mix of Housing – *Moderate Weight*.
- Policy 31 – Protection and enhancements of designated and non-designated heritage assets.
- Policy 35 – Parking Standards – *Significant Weight*.

### **Material Considerations**

- Northamptonshire Parking Standards (September 2016).
- Planning out Crime in Northamptonshire SPG 2004.

- All Saints Conservation Area Appraisal and Management Plan

## 6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Environmental Health	Comments received	<p>1) A condition that no nightclub uses on the ground floors.</p> <p>2) A condition requiring implementation of the noise assessment and mitigation.</p> <p>3) A condition covering - Post validation inspection and testing confirming full implementation of the noise scheme.</p> <p>4) A condition to secure an alternative form of ventilation scheme – to secure the proposed/or an alternative form of ventilation with the same performance.</p> <p>5) Plant Noise Condition – for any new plant/ equipment to serve the commercial ground floor uses such as extraction for restaurants and refrigeration systems for retail uses.</p>
Highways	Comments received	Condition – Construction Traffic Management Plan (CEMP).
Conservation	Comments received	<p>There is substantial harm to the heritage asset (as identified in the previous applications) but given that there is a conservation deficit for the proposed rebuilding of the site there is considered to be a public benefit in finding a new use of the site. There is some additional communal and historic harm through the loss of the longstanding use of the site as a hotel / inn.</p> <p>Conditions to be carried over from applications N/2017/1700 and N/2017/1710</p>
Housing Team	Objection	<p>- The affordable housing tenure has not been confirmed.</p> <p>- Whilst the amended scheme reduces the number of studio flats from 14 to 11, I still do not find the provision of studio flats acceptable, particularly when all are of a suitable size to be provided as 1 bed accommodation, or in some cases 2 bed accommodation instead.</p> <p>- There remains an imbalance between the provision of 1 bed and 2 bed accommodation. Whilst an additional 2 x 2 bed flats are indicated, this still only provides for 10 x 2 bed flats on a 43-unit scheme.</p>

		- There is no confirmation of how many units will meet the M4(2) and M4(3) accessibility standards required.
NHS	Comments received	Financial contribution of £21,861.40 sought for healthcare provision.
Development Management	Comments received	Financial contributions sought; - Libraries £5,357 - Education (Early Years) £37,240 - Education (Primary) £16,140
Anglian Water	No objection	Condition – Surface Water Management Strategy
Ecology	Comments received	Bat Survey assessed. Agreed with findings. Further activity survey required pre-determination.
TCCAAC	Comments received (summarised)	- Loss of hotel is regrettable. - Better that the building is brought back into use. - Change to floor plan will adversely impact upon heritage aspects of building. - Current frontage design is a mix of styles that is not appropriate. - Concerns expressed over mansard roof. - Lack of clarity on materials chosen. - If the proposal is approved there may be scope to look at the delisting of the building. - No maintenance of building undertaken since the fire.
Northants Police	Comments received	Concerns about the proximity of the windows and doors to the activities which take place in Angel Street he has put in bollards, but do not consider these to be sufficient of a buffer. Concerns over the night-time economy and anti-social behaviour in close proximity to residential accommodation. Access would need to be secure and internally there would need to be compartmentalisation so that anyone gaining unauthorised access would be restricted in their movements internally.
Northampton Town Council	Comments received	Northampton Town Council's planning committee welcomed the development of the derelict building and commented the rooms appear of a reasonable size.
Historic England	No objection	Conditions to secure retention and repair of the Bridge Street elevation and Angel Street gable-end as far as possible, materials, archaeological investigation, recording of structures prior to demolition and ensuring that demolition works are not carried out before a contract for the redevelopment works has been made.
LLFA	No objection	Condition – Surface water drainage

		<p>scheme.</p> <p>Condition – Scheme for the ownership and maintenance of surface water drainage.</p> <p>Condition – Verification report for surface water drainage scheme.</p>
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## 7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 Objection comments have been received from one interested party raising the following (summarised) comments:

- The proposal is incompatible with surrounding land uses.
- The noise assessment is inadequate.
- The development would not secure the amenity for future occupier.
- The proposal would adversely impact upon the ability of surrounding businesses to operate.
- The scheme is of a poor design standard.

## 8 APPRAISAL

### Background to Proposal

8.1 The application was the subject of previous planning and listed building application s for the change of use of the building into a 60-bed hotel in 2017. These applications were subsequently approved. However, these consents were not implemented, and they have now lapsed. The building has also been the subject of extensive fire damage and is now covered in scaffolding to ensure that it remains upright.

8.2 As part of the assessment of the hotel application, a study was commissioned jointly by Historic England and NBC. This study was aimed at informing the application. The Condition Survey, Options Appraisal and Feasibility Study was completed by Arrol Architects in June 2019.

8.3 The study considered the;

- structural integrity of the building, including the level of damage to the building/the historic context
- the feasibility for the delivery of a hotel and other options on the site
- a viability appraisal

8.4 The study identified that there was no surviving fabric from the pre-19th century inn and given the works that have been carried out over the years, including re-building, the hotel has been remodelled to meet with modern standards and requirements over its lifetime. The findings of the study concluded that the high cost of repairing the listed building and refurbishing for an alternative use, along with current market trends would result in a scheme that would not be viable, and it was unlikely that a viable project to reuse the listed building would be presented to the Council for consideration in the foreseeable future.

8.5 Following the hotel approval in 2017, due to market changes, the developer has stated that the hotel use is now no longer viable and has come forward with the

current application to provide residential accommodation on site in a similar scale of development to that of the previous hotel consent which has now lapsed.

#### Principle of Development

- 8.6 The main issues to consider in respect of this proposal are the principal of residential accommodation and the associated proposed uses, impact on the setting and character of the heritage assets, highway implications and impact on adjoining occupiers and surrounding amenity. In terms of the tests for substantial harm set out in paragraph 195 of the NPPF are considerations in terms of the substantial demolition of the listed building and these are considered as part of the assessment of the application for listed building consent.
- 8.7 In terms of the heritage aspect to the proposal, there needs to be clear and convincing justification for the development proposed, including substantial public benefit and if the proposed development makes a positive contribution to the local character and distinctiveness.
- 8.8 The principle of a hotel on the site has been established historically. The study carried out by Arrol Architects and the Heritage Statement submitted with the application, indicate that an inn or hotel has occupied the site since 1814-16. Since that time elements of the building have been built and rebuilt, and the use of the premises changed as outlined in the planning history section above.
- 8.9 Bridge Street is a busy part of the night-time economy of Northampton, whilst during the day is an active frontage with visitors to One Angel (NCC) and other visitors transiting around the Town Centre. As a result of the fire and given the location along Bridge Street, the Former Angel Hotel is a prominent feature. The scaffolding at one time stood proud of the footway and into the highway, forming a physical barrier in the street scene.
- 8.10 The proposed development would create an additional 43 no. units of residential accommodation within a sustainable location. The authority is currently unable to demonstrate a five-year housing land supply, and therefore the tilted balance assessment is engaged. The development proposal would make a significant contribution to addressing this continuing need, which is considered to be of benefit. Furthermore, the proposal would create new residential accommodation within the town centre in a highly sustainable location which is a strategic objective of the Central Area Action Plan (CAAP) which is to re-populate the town centre through mixed use development proposals such as that proposed. The proposal also proposes ground floor commercial uses (in this case Offices and Class E) along the Bridge Street and Angel Street frontages which is supported as it would seek to bring forward active frontages in this location where there currently is not and would assist in supporting the general viability and vitality of the Town Centre as a whole.
- 8.11 As such, the proposal would bring a prominent site in the town centre into a highly intensive use, contributing to the vitality and viability of the surrounding area, forming a catalyst for further regeneration works in the Bridge Street area and providing much needed housing at a time when the authority is unable to demonstrate a five-year housing land supply. As such, it is considered that in this case the tilted planning balance applies and that the principle of the development for residential purposes is accepted in this case.

## Heritage, Character and Ecology Impacts

- 8.12 The development as proposed is set out over four floors;
- Ground floor – 3 no. commercial units, one facing Bridge Street and two no. facing Angel Street and 4 no. residential apartments.
  - First floor – 14 no. residential apartments.
  - Second floor – 13 no. residential apartments.
  - Third floor – 12 no. residential apartments.
- 8.13 In the middle of the building at ground floor level a courtyard is indicated, and this would provide communal space for future residents which would be accessed from Angel Street. Following negotiation with the applicant, the front elevation of the existing building fronting onto Bridge Street is to be retained, although details of the windows have yet to be agreed. The applicant has indicated that they would prefer to deal with this as a condition rather than investigate the specification at this time. In this respect, the Council would seek to retain timber windows to this frontage, including the repair of the existing bay fronted window which is considered of historic importance. This would also allow further details of acoustic specifications associated with the windows to be addressed.
- 8.14 The elevation fronting Angel Street is currently a brick and stone wall which appears to have been rebuilt over the years. The first 23m of the existing wall is to be retained and rebuilt as much as possible and a method statement will be required by condition, which seeks to address how this part of the wall is to be retained and protected. The remaining frontage wall to Angel Street is shown to be demolished to allow the insertion of windows to serve the residential accommodation. The replacement wall is indicated to be finished in a copper cladding, which the applicant suggests takes its influence from the colour and materials of One Angel, providing a link between the historic and new build. Details of materials would be agreed by condition to ensure a sympathetic approach.
- 8.15 The rear of the site appears to have historically been used as stables, but these were subsequently converted into hotel accommodation and rooms that were ancillary to the use of the bars. Much of the make-up of these rooms now is of modern materials, within outer walls constructed of brick.
- 8.16 In terms of scale, the footprint of the building has not increased, but the scheme does include an additional storey over the existing buildings scale. However, the additional floor was also the subject of the previous hotel approval and varies very little on the Bridge Street elevation. It is noted that a number of additional windows are proposed to the rear of the building and along the side elevation onto Angel Street (towards the rearmost part of the building) which is considered to be an appropriate treatment of the building whilst providing an appropriate standard of residential accommodation internally.
- 8.17 It is noted that the access to the internal courtyard from the Bridge Street elevation would be removed as part of the current proposal which is regrettable as this would've formed a link from Bridge Street into the courtyard as part of the site's previous use as a coaching inn. However, the doorway would be retained as this would provide access to a new commercial unit onto the Bridge Street elevation and it is considered appropriate to secure the retention of the original doors to retain a portion of the historic fabric of the building on this elevation. Such details can be secured by planning condition, a view supported by the authority's conservation officer.

- 8.18 Whilst a separate application for Listed Building Consent has also been submitted, the issues relating to the partial demolition of the Listed Building also need to be considered in the context of the planning application. Whilst these are separate issues and considerations, it is the justification for the planning application that has led to the acceptance of demolition of the building. The site is located within a Conservation Area and is a Grade II listed building and the site is located within a street that contains a variety of a listed and locally listed buildings and occupies a prominent position within a town centre location.
- 8.19 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.20 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.21 The application has been considered in the light of the advice set out in Paragraph 195 of the NPPF which sets out the following considerations when determining applications involving demolition of listed buildings where it is considered that the proposed development will lead to substantial harm;
- A. the nature of the heritage asset prevents all reasonable uses of the site; and
  - B. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - C. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - D. the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 8.22 The previously approved Hotel scheme originally sought the total demolition of the building, but this was subsequently amended to show the Bridge Street facade to be retained along with part of the gable of the elevation to Angel Street, although some rebuilding will be required of this section, as this area is one of the areas of greater fire damage. This approach remains the same as part of the current planning application for residential accommodation.
- 8.23 Paragraph 193 states that great weight should be given to the significance of a designated heritage asset, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance whilst paragraph 194 continues in the case of harm or loss of a designated heritage asset such as a Grade II Listed Building should require clear and convincing justification.
- 8.24 The Arrol Architects report has given the LPA and Historic England (who have commented extensively on the current and previous planning applications) the

evidence regarding the proposal to support a decision. It has provided knowledge of the history of the building and how it has evolved over its lifetime and shown that over time the hotel use has evolved to meet standards of that time. During the course of the hotel application and the current application, dialogue has taken place with the heritage advisors. Objections were raised initially to the loss of the building as part of the hotel scheme, but given the evidence commissioned, a pragmatic approach is required in line with the NPPF and therefore the retention of facet of the building is proposed.

- 8.25 It was established in the previous application that the extent of demolitions to the Grade II listed building would constitute substantial harm to its significance. This was the view of Historic England and the local authority, and it was accepted by the applicants. The applications were therefore considered in light of the tests in the National Planning Policy Framework (NPPF, July 2021) relating to substantial harm to designated heritage assets, and the same tests apply to the current applications. It was also accepted that there would be a degree of harm to the All Saints Conservation Area, although that was much less as the main elevation to Bridge Street was to be retained. The current proposals to change the use from hotel to residential will cause some additional harm to the significance of the listed buildings and the conservation area, due to the loss of the hotel/inn use on this site which has existed since at least the late 16th century.
- 8.26 Historic England has considered the current re-worked proposals in light of the policy considerations for substantial harm, the information submitted with the current applications, and the conclusions of the Arrol Report. The Arrol Report demonstrated that the current nature of the heritage asset in relation to market conditions prevents viable use of the site. Attempts at marketing have been carried out without success and the Report confirmed that the issue with viability is such that any further attempts are unlikely to yield positive results. The size of the conservation deficit demonstrated by the study is such that no conservation of the listed building by grant funding is going to be possible and any kind of not-for-profit or charitable use would not be able to deal with the cost of repairs or be able to carry out a viable use, particularly as this is designed to be a commercial building in a commercial district. However, set against all these negatives is a substantial positive: a site that is currently an eyesore in the heart of Northampton and has been scaffolded for a decade since the fire, has the prospect of being redeveloped and brought back into use to bring a positive regeneration effect to the centre of Northampton. The proposals include the retention and repair of the main elevation to Bridge Street and the gable end to Angel Street, which would have the most positive impact in terms of the visibility of the listed building. Historic England have assessed the proposal and concluded that the point has demonstrably been reached where the tests for substantial harm to designated heritage assets in paragraph 201 of the NPPF have been met and therefore raise no objection to the current proposals.
- 8.27 However, Historic England have stated that in order to ensure that the loss is outweighed by the benefit of bringing the site back into use, planning conditions (in line with those attached to the previous hotel consent) are attached to secure the;
- retention and repair of the Bridge Street elevation and Angel Street gable-end as far as possible;
  - materials;
  - archaeological investigation;
  - recording of structures prior to demolition; and
  - ensuring that demolition works are not carried out before a contract for the redevelopment works has been made.



- 8.28 In order to ensure that the loss is outweighed by the benefit of bringing the site back into use, the LPA needs to safeguard against the prospect that the listed structures will be demolished, and the site cleared without delivering construction of the new hotel building and repair/restoration of the Bridge Street façade. A condition has been added to ensure that no demolition takes place until a contract has been entered into and this is further supported by the requirement for a method statement relating to the demolition and the retention of the Bridge Street façade and part of the Angel Street wall. The applicant contends that such a condition is not necessary. However, the LPA disagrees and considers the need for such a condition goes to the heart of any consent granted.
- 8.29 It is considered that with the additional information the LPA and its historic advisers are now faced with, a fair assessment has been carried out of the proposal in the context of national and local planning policy. Given the age of the building an informative is proposed to highlight to the applicant to be aware of the potential for the presence of bats on the site. The applicant has supplied a bat survey which outlines that the site has a moderate potential for roosting bats. The authorities Ecologist agrees with such an assessment but has requested that an activity survey be undertaken prior to determination. However, given that the roof of the building has now been removed, it is considered that such matters can be secured by planning condition so that an activity survey can be secured prior to works commencing on site along with securing any potential mitigation measures.
- 8.30 The alterations together with other amendments to the scheme have sought to reduce the impact of the building on the street scene, in respect of scale and massing, such that the design of the scheme as proposed is considered to be acceptable in terms of layout and impact on the streetscene and the setting of the conservation area and adjacent listed buildings. It is also considered that given the current situation in respect of the fire damaged, disused building, the proposal would result in a positive impact on the street scene and the setting of the All-Saints Conservation Area.

#### Highway Implications

- 8.31 The proposed development is unable to demonstrate onsite parking. However, given that this is a sustainable location within the town centre, close to bus and train services, plus public car parks are available in the locality, the lack of car parking is not considered, particularly in respect of other considerations, a reason for refusal. Following consultation with the LHA, no objections have been made concerning the lack of car parking. Prior to the fire, Angel Street was open to all traffic and this route was used regularly by NCC staff and visitors using the staff car park (now the site of One Angel). Taking account of the width of modern cars, Angel Street is now not considered wide enough for a vehicle to pass without endangering pedestrian safety. Given the number of pedestrians that now walk along Angel Street and the duration of time that the road has been closed to traffic, it is considered appropriate that a fixed bollard, or other means of closure to vehicular traffic, should be installed.
- 8.32 Further discussions with the Town Centre Manager have indicated these works could also be addressed as part of a wider public realm and public safety project being carried out by the Council. This project will then liaise with the police and highway authority to investigate the best option for Angel Street, which may not necessarily be seen as a fixed bollard (which will not necessarily control the movement of bicycles along Angel Street).

- 8.33 Policy S10 of the JCS considers the principles of sustainable development and the NPPF seeks consideration of the implications of traffic as part of new development proposals. It is considered that the proposal adequately addresses the highway implications in accordance with this policy.

#### Flooding and Drainage Matters

- 8.34 The development is not indicated to be within a flood risk area and is not of significance in terms of the criteria for consultation with the Environment Agency. Anglian Water believe that there are sewers crossing the site and these may need to be diverted. Given the extensive nature of the works, this is something that the developer will need to investigate and address. This is partly covered by the Building Regulations; however, a surface water drainage strategy is sought.
- 8.35 The Local Lead Flood Authority have equally sought further information regarding drainage and this can be addressed through a condition requiring a surface water drainage scheme for the site. Given the town centre location, it is unlikely that a true SUDs scheme is achievable, but it is well within the scope of the proposal to look at how surface water drainage is managed.
- 8.36 It is noted that this is currently a developed site, rather than green field, so the additional hard surfacing and roof area, is unlikely to be significantly higher than that which previously existed on the site. It is therefore considered that the addition of a condition is an appropriate way to address drainage on the site.
- 8.37 Policies BN7 and BN7A of the JCS sets out the principles of flood risk assessments, water supply quality and wastewater infrastructure as intrinsic considerations of proposals. In addition, Policy S10 considers water efficiency and minimising surface run-off. It is considered that subject to compliance with a suitably worded condition, this matter can be addressed.

#### Amenity Impacts

- 8.38 The majority of the uses around the site are of a commercial nature, although some of the upper floors of properties nearby are occupied in residential uses. The height of the building has increased, due to the additional floor, but a mansard roof is proposed to reduce the impact in terms of the bulk and massing of the building, which would reduce the appearance to any occupied upper floors in the vicinity.
- 8.39 In terms of impact on light, the height of the existing Balloon Bar has not increased, and the remainder of that elevation abuts the new student union building. There is a line of high level first floor windows overlooking the application site from this building. These serve a training room and office. Whilst the ground floor of the Student Union building is built to the boundary, a flat roofed element where the air conditioning plant for the building has been formed, which results on the first floor being set back from the boundary with the proposed hotel by approximately 1.5m. Whilst there may be some loss of light to the offices, these are not protected in the same way as a habitable residential use would attract. This elevation of the hotel does not contain windows at first or second floor level, so it is considered that concerns regarding privacy or overlooking to the student union building have been addressed.
- 8.40 To the rear of the site is a commercial car park and a rear access to the Student Union building. Given the design it is considered that the proposal does not represent an overbearing feature in the context of this car park, particularly as the proposal does not exceed the height of the adjacent Student Union building. In terms of the

Angel Street elevation, this is dominated by One Angel Street and the rear of NB's nightclub. There are windows looking towards the site, but these are office or what appears to be in commercial use. The site has the potential to be a noisy environment, given the mix of traffic movements in the area and the mix of uses around the site. Policy BN9 considers the implications of noise as part of the planning process. A noise survey was submitted with the application, and this has been assessed. Following an initial assessment by Environmental Health, further clarification on the assessment data along with potential mitigation measures was requested and provided for assessment and the Environmental Health Officer considers the level of information provided to be acceptable to ensure that the amenity of future of occupiers is secured whilst also ensuring that existing businesses can continue to operate. It is noted that concerns have been raised by adjacent commercial operators regarding the potential of the proposal to adversely impact upon the operation of existing businesses.

8.41 Environmental Health have requested the imposition of the following planning conditions;

- A condition that no nightclub uses on the ground floors.
- A condition requiring implementation of the noise assessment and mitigation.
- A condition covering - Post validation inspection and testing confirming full implementation of the noise scheme.
- A condition to secure an alternative form of ventilation scheme – to secure the proposed/or an alternative form of ventilation with the same performance.
- Plant Noise Condition – for any new plant/ equipment to serve the commercial ground floor uses such as extraction for restaurants and refrigeration systems for retail uses.

8.42 Whilst the above conditions are considered appropriate and necessary to secure a satisfactory standard of development for future occupiers and adjacent occupier, it is not considered reasonable to impose a condition on the use of the ground floor commercial unit to restrict a nightclub use. Should such a use be required then a formal change of use planning application would be required and therefore the planning condition would not be necessary and fail the 'conditions test'.

8.43 For note, at the time of discharge of the condition relating to the windows, a balance judgement will need to be made in terms of the window design and impact on heritage assets, and the need to protect occupiers from noise to meet the requirements of Policy BN9 of the JCS.

8.44 The proposed residential accommodation would provide a variety of unit sizes (studios, 1 and 2 bed units) that would look out onto either Bridge Street, Angel Street or the rear of the property over car parking. The units themselves would all meet the nationally described space standards with each room having windows to provide outlook.

#### Land Contamination

8.45 Given that the history of the site has indicated the potential for car maintenance to have been carried out on the site in association with the previous hotel use, it is not unreasonable that a condition requiring further investigation for potential contamination on the site, is carried out, as requested by the EHO. This has been added as a condition on the planning application in accordance with the requirements of Policy BN9 of the JCS.

## Crime Prevention

- 8.46 The Police Crime Prevention Design Advisor has been consulted on the proposal and whilst no formal objection has been raised, they have requested the imposition of planning conditions to secure security measures for the building and a management plan for the operation of the block. It is considered that such conditions are reasonable and necessary to ensure that future occupants are reside in safe and well managed accommodation.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is CIL liable and is located within a CIL charging area.
- 9.2 West Northamptonshire Council Key Services request a financial contribution towards libraries. There is no planning policy basis in the Northampton Area for the requirement of funds towards libraries and as such it is not reasonable for the Council to request such funding for this development.
- 9.3 West Northamptonshire Development Management team has requested a financial contribution towards education provision for future occupants. The financial request, for early years, primary and secondary education has been put forward. However, financial contribution for secondary education provision are secured separately via CIL. However, it is considered necessary and reasonable to secure early years and primary education contributions through a S.106 agreement.
- 9.4 Construction Futures request a contribution towards apprentice training and a training scheme on the site. This is considered reasonable to request through a S106 agreement.
- 9.5 The proposal currently proposes the provision of 43 no. apartments. As such, the provision of affordable housing as outlined under policy H2 is relevant. This policy requires the provision of 35% affordable housing provision (equivalent to 15 no. units) which should be provided for onsite and if not possible off site (provision or financial contribution as a last resort). As part of the submission, the applicant has indicated that the scheme would provide 100% provision of affordable housing on site and would therefore be policy compliant in this regard.
- 9.6 Northamptonshire NHS Trust has been consulted on the proposal and given the total amount of new residential accommodation proposed, a financial contribution has been requested so as to provide increased/improved healthcare provision for future residents. Such a request is considered necessary and proportionate to the proposal as put forward and can be secured through a S.106 agreement.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 This application is an example of the need to consider all the aspects of the proposal and weigh up the implications. In this instance this is a finely balanced debate.
- 10.2 The application has been considered in the context of Paragraph 195 of the NPPF. Whilst it is considered the partial loss of the listed building will lead to substantial harm, the proposal has been considered against the relevant criteria as outline above.
- 10.3 The proposed development, subject to conditions, would represent an appropriate land use that would support the continued viability and vitality of the town centre and

would have a positive impact on the character and appearance of the surrounding area, neighbour amenity, the historic environment and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10, S2, BN5, BN7, BN7A, BN9 and E7 of the West Northamptonshire Joint Core Strategy and Policies 1, 13 and 21 of the Northampton Central Area Action Plan and subject to a S.106 agreement to secure financial contributions as outlined above would represent appropriate development in this case.

## **11 RECOMMENDATION**

11.1 Approve, subject to conditions and S.106 agreement to secure the following;

- 35% onsite affordable housing provision.
- Early years education financial contribution.
- Primary education financial contribution.
- Construction futures financial contribution.
- NHS healthcare provision financial contribution.

## **12 CONDITIONS**

### Time

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.

### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 020-140-001 Rev E, 020-140-002 Rev D, 020-140-003 Rev D, 020-140-004 Rev D, 020-140-005 Rev A Location Plan), 020-140-006 Rev B, 020-140-007 Rev A.

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

### Materials

3. Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials (including stucco) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

### Construction Environmental Management Plan (CEMP)

4. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:-

- a) The management of traffic and routing during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;
- b) Detailed measures for the control of dust during the construction phase of development
- c) The location and size of compounds;
- d) Details for the safe storage of any fuels, oils and lubricants;
- e) A scheme for the handling and storage of topsoil;
- h) Details of any temporary lighting
- i) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- j) Measures for the control of noise emanating from the site during the construction period;
- k) Construction Plant Directional signage (on and off site);
- l) Provision for all site operatives, visitors and construction vehicles, loading and unloading of plant and materials;
- m) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.
- n) Details of hours of operation and delivery times;
- o) Details of the demolition strategy for buildings on site and a timetable for demolition;
- p) A dilapidation survey for roads immediate to the site (before and after conditions surveys) to determine any damage resulting from construction traffic, as per Section 59 of The Highways Act 1980, regarding the Recovery of Expenses due to extraordinary traffic.

The approved CEMP and measures contained therein shall be adhered to throughout the construction period.

Reason: To ensure that appropriate consideration is given to environmental assets and safeguard the amenities of the locality in accordance with the National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy and is required pre-commencement in order to ensure suitable measures are in place from the start of development.

#### Contaminated Land

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in

accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

6. 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, 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 5.

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

#### Noise

7. Prior to first occupation a written validation report shall be completed by an agreed competent acoustic consultant, to confirm that the acoustic mitigation work set out in Sections 9 and 10 and Appendix C of the noise.co.uk dated 12TH July 2022 Report No 21957A-1 have been implemented in full at the development site. This shall be received to the satisfaction of the Local Planning Authority prior to occupation of the first residential unit. All noise mitigation work shall be maintained and retained thereafter.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

8. The requirements for noise mitigation as set out in Sections 9 and 10, and Appendix C of the noise.co.uk Ltd Report dated 12th July 2022 Report No 21957A-1, shall be implemented at the development site prior to direct occupation and retained thereafter.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

9. Any newly introduced external plant to serve the ground floor commercial uses shall not operate at any time above the levels set out in Section 11 of the noise.co.uk Ltd Report dated 12th July 2022 Report No 21957A-1 at the nearest noise sensitive receptor. The noise assessment and written confirmation of compliance with these levels shall be received to the satisfaction of the Local Planning Authority prior to commencement of the use.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

### Window Details

10. Prior to installation, and notwithstanding the submitted details, further precise details of the windows including sections and profiles at a scale of 1:10 or 1:20, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Building in accordance Policy BN5 of the West Northamptonshire Joint Core Strategy.

### Ventilation

11. Prior to the commencement of the development, a scheme of alternative mechanical ventilation scheme to serve the residential units of this application shall be submitted in writing and agreed to the satisfaction of the LPA. Any agreed scheme shall:

- i) Be capable of providing air changes at volumes equivalent to an open window for the purposes of rapid cooling and ventilation.
- ii) Not compromise the façade insulation or the resulting internal noise level.
- iii) Operate at a level to comply with noise rating curve NR25 or lower.

Once agreed, the scheme shall be implemented in full prior to first occupation of the residential accommodation and thereafter retained and maintained.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

### Drainage and Flood Risk

12. No above ground works shall take place until a surface water drainage scheme for the site, based on the Flood Risk and Drainage Strategy Report document reference number 62220 Revision A dated 16th February 2018 prepared by PRP Environmental UK Limited, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

1) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

2) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

3) Section 4.3.2. of the SUDS Manual (CIRIA C697) refers to Development Runoff. Within this Section, it is acknowledged that additional datasets have been added to Flood Estimation Handbook (FEH) and rainfall depths obtained using FEH show significant differences from those obtained from Flood Studies Report (FSR) in some parts of the country. Within Northamptonshire, rainfall depths are often greater using more up to date FEH datasets than those using FSR, therefore for various storm events, greater run-off is produced and additional attenuation is likely to be required.



FEH rainfall data is more up to date than FSR (England and Wales) therefore calculations should use this FEH data to determine the volume of surface water attenuation required on site. We recognise there are uncertainties associated with the use of any datasets. In particular, FSR rainfall data should be used where the critical storm is less than 60 minutes as FEH data is less robust for short duration storms. FEH rainfall data can be used to determine the volume of storage required if the critical storm is greater than 30 minutes.

Reason: To secure satisfactory drainage of the site and reduce the risk of flooding in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

13. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing to and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment. These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To secure satisfactory drainage of the site and reduce the risk of flooding in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

#### Implementation Programme

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

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure details are agreed in a timely manner.

#### Refuse

15. Full details of the provision for the storage of refuse and materials for recycling associated with the ground floor commercial units shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. The approved details shall be implemented prior to the first occupation or bringing into use of any commercial unit hereby permitted and thereafter retained.

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

16. Full details of the provision for the storage of refuse and materials for recycling associated with the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. The approved details shall be implemented prior to the first occupation or

bringing into use of the residential accommodation hereby permitted and thereafter retained.

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

#### Security Strategy

17. Notwithstanding the submitted information, a Security Strategy for the site shall be submitted for approval in writing by the Local Planning Authority prior to occupation of the development hereby permitted. This shall include, but not be limited to CCTV, security measures for both commercial and residential accommodation, service areas and measures to ensure security of the internal courtyard area. The development shall be carried out prior to first occupation and thereafter maintained in accordance with the approved details.

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

#### Delivery Times

18. Prior to occupation of the development hereby permitted, a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the number and frequency of deliveries and refuse collections, when they are to be carried out and how they will be managed, size of vehicles and location of where they will deliver/service from. The development shall be carried out and maintained in accordance with the approved details.

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

#### Lighting

19. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained thereafter.

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

#### Odour

20. Before the first occupation of the development hereby permitted a scheme for the control of odours from any processes within the building, including the on-going maintenance of any equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To safeguard the amenity of nearby residents in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

### Bicycle Storage

21. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

### Demolition

22. The works of demolition authorised by this consent shall not be carried out before a contract for the carrying out of the works of redevelopment of the site hereby approved has been made, the details of which shall have been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development and in the interests of amenity and heritage assets in accordance with the National Planning Policy Framework and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy.

### Building Survey

23. Prior to the commencement of any work hereby authorised, a detailed condition survey of those elements of the listed building to be retained shall be carried out by a suitably qualified person and the survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include details of the structural condition of foundations, walls and roof. Any works identified in the report as being necessary to secure the structural integrity of the elements of the building to be retained, including the Bridge Street façade and gable to Angel Street, or to preserve important features, such as the front bay window including the retention of the stained glass window to Bridge Street, shall be carried out in accordance with the approved details and within a timescale to be agreed in writing with the Local Planning Authority.

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

### Demolition Method

24. Prior to work commencing on site a detailed schedule of works as informed by the approved Condition Survey, including a demolition method statement, shall be submitted to and approved in writing by the Local Planning Authority. The proposed schedule of works shall include, but not be limited to, the following:
- Methods to protect, support and repair the façade to Bridge Street and gable to Angel Street,
  - the retention and repair of the front bay window,
  - retention of the stained-glass window,
  - the timescale, nature, scope, materials, methodology and approach to those works, including drawings where necessary.

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

Reason: To ensure the protection of the integrity of the listed buildings in accordance with the National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy.

#### Building Recording

25. No alteration or demolition shall take place until a programme of buildings recording has been compiled and submitted to and approved in writing by the Local Planning Authority in accordance with the recording brief issued by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### Use of Ground Floor

26. The ground floor commercial units shall be used for uses within Class E only and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

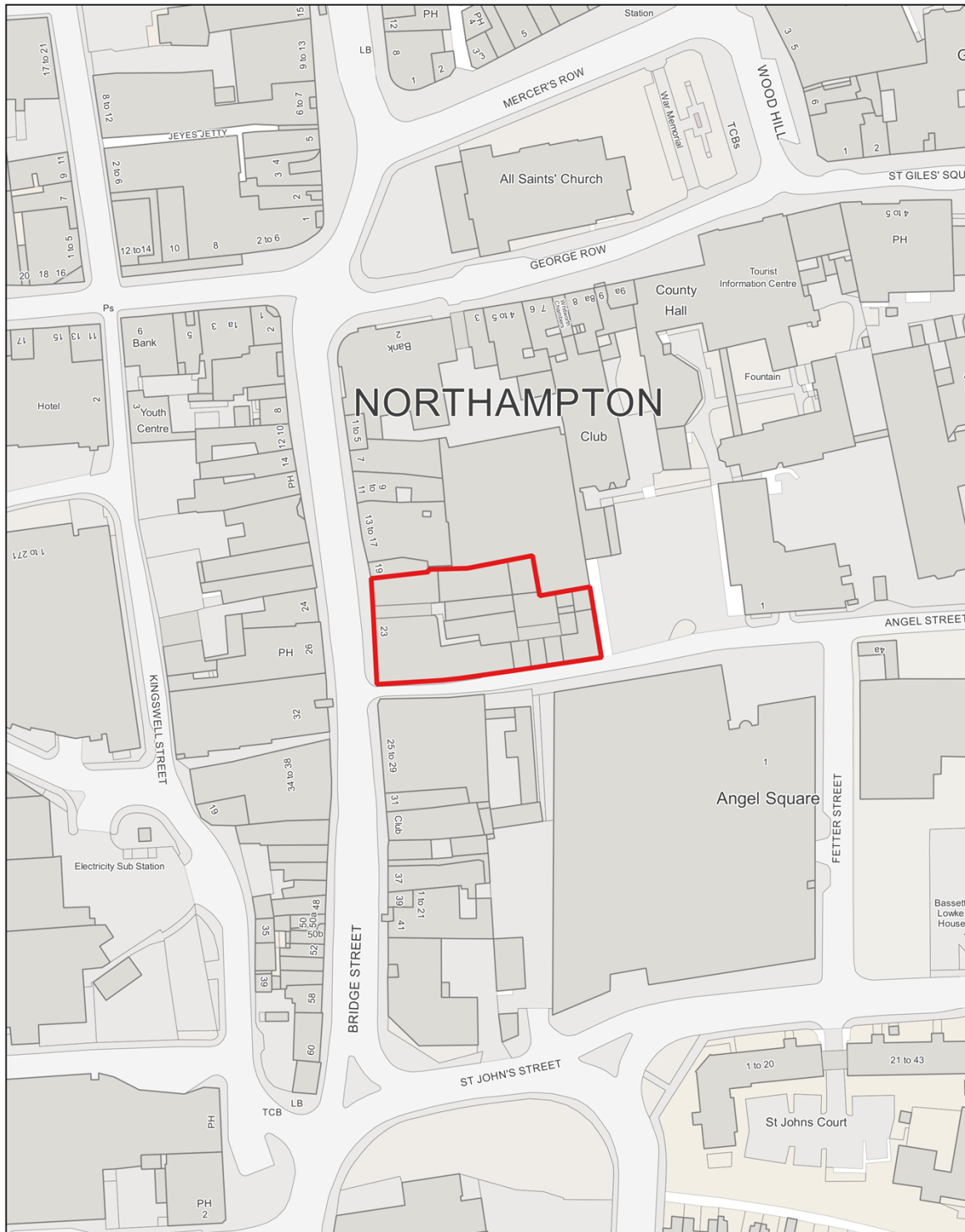
#### Ecology

27. Prior to the commencement of development, a detailed and updated ecological report incorporating a detailed Bat survey shall be submitted to and approved by the Local Planning Authority. Once approved, all mitigation measures within the report shall be implemented in full.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.



# Planning Committee Report



Title: **Rear of 21-23 Bridge Street**

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Date: 21-10-2022

Scale: 1:1,250 @A4

Drawn: M Johnson

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# Planning Committee Report

**Committee Date:** 1<sup>st</sup> November 2022

**Application Number:** WNN/2022/0398

**Location:** Rear of 21-23 Bridge Street, Northampton

**Development:** Listed Building Consent Application for demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43no affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions

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**Applicant:** A Z Investments

**Agent:** LMR Designs Ltd

**Case Officer:** Christopher Wentworth

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**Ward:** Castle Unitary Ward

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**Referred by:** Assistant Director of Place and Economy

**Reason for Referral:** Major application requiring a Section 106 Agreement

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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to conditions as deemed necessary

### Proposal

Listed Building Consent sought for the partial demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43 no. affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions.

### Consultations

The following consultees have raised **no objections** to the application:

- Anglian Water
- Historic England
- Environmental Health

The following consultees have **commented** upon the application:

- Town Centre Conservation Area Advisory Committee (TCCAAC)
- Conservation
- Highways

The following consultees are **in support** of the application:

- Northampton Town Council

No letters of objection or support have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Heritage Impacts

The report looks into the key planning/listed building issues in detail and officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The property is a Grade II Listed Building located approximately halfway along Bridge Street and within the All-Saints Conservation Area. The site is located on the corner of Bridge Street and Angel Street a narrow single width road which, since scaffolding was attached to the property, has resulted in Angel Street being closed to traffic. Although built in 1814-16 and altered over the years, the hotel was recorded in the Michelin Guide in 1920 as a comfortable hotel with modern improvements; it had central heating, telephone, garage with inspection pit and offered special rates for chauffeurs of guests.
- 1.2 The site comprises a former hotel site but in the 1990's became a bar and night club, which has been used as two separate retail uses historically. In 2012 the site was consumed by fire and significant damage was done to the upper floors of the building. The nightclub on the ground floor subsequently re-opened, but the scaffolding and roof tent has remained since that time. This part of the site has remained in use as the Balloon Bar.
- 1.3 Bridge Street has a variety of building styles, many of which are buildings noted for their historic importance. In addition, there are a number of more modern buildings in the vicinity, such as 1 Angel Square (occupied by WNC) and office buildings, on Bridge Street, to the south of the site. The uses in this area are predominantly Class E and Sui Generis including bars, clubs and restaurants.

### **2 CONSTRAINTS**

- 2.1 Grade II Listed Building.
- 2.2 All Saints Conservation Area.



### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 Listed Building Consent is sought for the partial demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43 no. affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions

### **4 RELEVANT PLANNING HISTORY**

- 4.1 The following planning history is considered relevant to the current proposal:
- 4.2 WNN/2022/0398 – Planning application for partial demolition of 21-23 Bridge Street (front facade to be retained and repaired where possible) to create 43 no. affordable Apartments, Offices and Commercial Spaces, complete with bin and cycle storage provisions – Yet to be determined.
- 4.2 N/2017/1700 – Planning application for the proposed demolition of 21-23 Bridge Street and redevelopment to create a 60-bedroom hotel with bistro and ground floor retail units and bar provision – Approved – 23/09/19.
- 4.3 N2017/1710 – Listed Building application for the proposed demolition of 21-23 Bridge Street and redevelopment to create a 60-bedroom hotel with bistro and ground floor retail units and bar provision – Approved – 23/09/19.

### **5 RELEVANT PLANNING POLICY AND GUIDANCE**

#### **Statutory Duty**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).
- 5.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

#### **National Policies**

- 5.3 National Planning Policy Framework (NPPF)
- Section 12 – Achieving well-designed places
  - Section 16 – Conserving and enhancing the historic environment
  
  - Paragraphs 192, 193, 194, 195 and 198 are particularly pertinent to the proposal. This sets out the tests to be addressed in terms of the impact on Listed Building, in particular in terms of an assessment of harm and where demolition is proposed.

## **West Northamptonshire Joint Core Strategy (Local Plan Part 1)**

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

- Policy S10 Sustainable Development Principles sets out that development will achieve high standards of design and will protect, conserve and enhance the built and natural environment.
- Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.
- Policy BN7 – flood risk and management.
- Policy BN7A - water supply quality and wastewater infrastructure

## **Northampton Central Area Action Plan 2013**

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

- Strategic Objective SO2: a well-designed town centre.
- Policy 1: Promoting Design Excellence – make efficient use of land by promoting an appropriate mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.
- Policy 21: Angel Street – Be sympathetic to the change in topography of the site and its setting in terms of the form and height and in particular not impact on the strategic views of All Saints from the south or the north.

## **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

5.6 Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development – *Significant Weight*.
- Policy 2 – Placemaking and Design – *Moderate Weight*.
- Policy 31 – Protection and enhancements of designated and non-designated heritage assets

## Material Considerations

- All Saints Conservation Area Appraisal and Management Plan

## 6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Environmental Health	No comments	
Highways	Comments received	Condition – Construction Traffic Management Plan (CEMP).
Conservation	Comments received	There is substantial harm to the heritage asset (as identified in the previous applications) but given that there is a conservation deficit for the proposed rebuilding of the site there is considered to be a public benefit in finding a new use of the site. There is some additional communal and historic harm through the loss of the longstanding use of the site as a hotel / inn. Conditions to be carried over from applications N/2017/1700 and N/2017/1710
Anglian Water	No objection	Condition – Surface Water Management Strategy
TCCAAC	Comments received (summarised)	<ul style="list-style-type: none"> <li>- Loss of hotel is regrettable.</li> <li>- Better that the building is brought back into use.</li> <li>- Change to floor plan will adversely impact upon heritage aspects of building.</li> <li>- Current frontage design is a mix of styles that is not appropriate.</li> <li>- Concerns expressed over mansard roof.</li> <li>- Lack of clarity on materials chosen.</li> <li>- If the proposal is approved there may be scope to look at the delisting of the building.</li> <li>- No maintenance of building undertaken since the fire.</li> </ul>
Northampton Town Council	Comments received	Northampton Town Council's planning committee welcomed the development of the derelict building and commented the rooms appear of a reasonable size.
Historic England	No objection	Conditions to secure retention and repair of the Bridge Street elevation and Angel Street gable-end as far as possible, materials, archaeological investigation, recording of structures prior to demolition and ensuring that demolition works are not carried out before a contract for the

## **7 RESPONSE TO PUBLICITY**

7.1 No comments received.

## **8 APPRAISAL**

### Background to Proposal

- 8.1 The application was the subject of previous planning and listed building applications for the change of use of the building into a 60-bed hotel in 2017. These applications were subsequently approved. However, these consents were not implemented, and they have now lapsed. The building has also been the subject of extensive fire damage and is now covered in scaffolding to ensure that it remains upright.
- 8.2 As part of the assessment of the hotel application, a study was commissioned jointly by Historic England and NBC. This study was aimed at informing the application. The Condition Survey, Options Appraisal and Feasibility Study was completed by Arrol Architects in June 2019.
- 8.3 The study considered the;
- structural integrity of the building, including the level of damage to the building/the historic context
  - the feasibility for the delivery of a hotel and other options on the site
  - a viability appraisal
- 8.4 The study identified that there was no surviving fabric from the pre-19th century inn and given the works that have been carried out over the years, including re-building, the hotel has been remodelled to meet with modern standards and requirements over its lifetime. The findings of the study concluded that the high cost of repairing the listed building and refurbishing for an alternative use, along with current market trends would result in a scheme that would not be viable, and it was unlikely that a viable project to reuse the listed building would be presented to the Council for consideration in the foreseeable future.
- 8.5 Following the hotel approval in 2017, due to market changes, the developer has stated that the hotel use is now no longer viable and has come forward with the current application to provide residential accommodation on site in a similar scale of development to that of the previous hotel consent which has now lapsed. This listed building application has been submitted alongside a full planning application for the scheme.

### Assessment

- 8.6 In terms of the heritage aspect to the proposal, there needs to be clear and convincing justification for the development proposed, including substantial public benefit and if the proposed development makes a positive contribution to the local character and distinctiveness.
- 8.7 The principle of a hotel on the site has been established historically. The study carried out by Arrol Architects and the Heritage Statement submitted with the application, indicate that an inn or hotel has occupied the site since 1814-16. Since that time elements of the building have been built and rebuilt, and the use of the premises changed as outlined in the planning history section above.

- 8.8 Bridge Street is a busy part of the night-time economy of Northampton, whilst during the day is an active frontage with visitors to One Angel (NCC) and other visitors transiting around the Town Centre. As a result of the fire and given the location along Bridge Street, the Former Angel Hotel is a prominent feature. The scaffolding at one time stood proud of the footway and into the highway, forming a physical barrier in the street scene.
- 8.9 The development as proposed is set out over four floors;
- Ground floor – 3 no. commercial units, one facing Bridge Street and two no. facing Angel Street and 4 no. residential apartments.
  - First floor – 14 no. residential apartments.
  - Second floor – 13 no. residential apartments.
  - Third floor – 12 no. residential apartments.
- 8.10 In the middle of the building at ground floor level a courtyard is indicated, and this would provide communal space for future residents which would be accessed from Angel Street. Following negotiation with the applicant, the front elevation of the existing building fronting onto Bridge Street is to be retained, although details of the windows have yet to be agreed. The applicant has indicated that they would prefer to deal with this as a condition rather than investigate the specification at this time. In this respect, the Council would seek to retain timber windows to this frontage, including the repair of the existing bay fronted window which is considered of historic importance. This would also allow further details of acoustic specifications associated with the windows to be addressed.
- 8.11 The elevation fronting Angel Street is currently a brick and stone wall which appears to have been rebuilt over the years. The first 23m of the existing wall is to be retained and rebuilt as much as possible and a method statement will be required by condition, which seeks to address how this part of the wall is to be retained and protected. The remaining frontage wall to Angel Street is shown to be demolished to allow the insertion of windows to serve the residential accommodation. The replacement wall is indicated to be finished in a copper cladding, which the applicant suggests takes its influence from the colour and materials of One Angel, providing a link between the historic and new build. Details of materials would be agreed by condition to ensure a sympathetic approach.
- 8.12 The rear of the site appears to have historically been used as stables, but these were subsequently converted into hotel accommodation and rooms that were ancillary to the use of the bars. Much of the make-up of these rooms now is of modern materials, within outer walls constructed of brick.
- 8.13 In terms of scale, the footprint of the building has not increased, but the scheme does include an additional storey over the existing buildings scale. However, the additional floor was also the subject of the previous hotel approval and varies very little on the Bridge Street elevation. It is noted that a number of additional windows are proposed to the rear of the building and along the side elevation onto Angel Street (towards the rearmost part of the building) which is considered to be an appropriate treatment of the building whilst providing an appropriate standard of residential accommodation internally.
- 8.14 It is noted that the access to the internal courtyard from the Bridge Street elevation would be removed as part of the current proposal which is regrettable as this would've formed a link from Bridge Street into the courtyard as part of the sites

previous use as a coaching inn. However, the doorway would be retained as this would provide access to a new commercial unit onto the Bridge Street elevation and it is considered appropriate to secure the retention of the original doors to retain a portion of the historic fabric of the building on this elevation. Such details can be secured by planning condition, a view supported by the authority's conservation officer.

- 8.15 The issues relating to the partial demolition of the Listed Building also need to be considered in the context of the planning application. Whilst these are separate issues and considerations, it is the justification for the planning application that has led to the acceptance of the partial demolition of the building. The site is located within a Conservation Area and is a Grade II listed building and the site is located within a street that contains a variety of a listed and locally listed buildings and occupies a prominent position within a town centre location.
- 8.16 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.17 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.18 The application has been considered in the light of the advice set out in Paragraph 195 of the NPPF which sets out the following considerations when determining applications involving demolition of listed buildings where it is considered that the proposed development will lead to substantial harm;
- A. the nature of the heritage asset prevents all reasonable uses of the site; and
  - B. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - C. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - D. the harm or loss is outweighed by the benefit of bringing the site back into use.'
- 8.19 The previously approved Hotel scheme originally sought the total demolition of the building, but this was subsequently amended to show the Bridge Street facade to be retained along with part of the gable of the elevation to Angel Street, although some rebuilding will be required of this section, as this area is one of the areas of greater fire damage. This approach remains the same as part of the current planning application for residential accommodation.
- 8.20 Paragraph 193 states that great weight should be given to the significance of a designated heritage asset, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance whilst

paragraph 194 continues in the case of harm or loss of a designated heritage asset such as a Grade II Listed Building should require clear and convincing justification.

- 8.21 The Arrol Architects report has given the LPA and Historic England (who have commented extensively on the current and previous planning applications) the evidence regarding the proposal to support a decision. It has provided knowledge of the history of the building and how it has evolved over its lifetime and shown that over time the hotel use has evolved to meet standards of that time. During the course of the hotel application and the current application, dialogue has taken place with the heritage advisors. Objections were raised initially to the loss of the building as part of the hotel scheme, but given the evidence commissioned, a pragmatic approach is required in line with the NPPF and therefore the retention of the façade of the building is proposed.
- 8.22 It was established in the previous application that the extent of demolitions to the Grade II listed building would constitute substantial harm to its significance. This was the view of Historic England and the local authority, and it was accepted by the applicants. The applications were therefore considered in light of the tests in the National Planning Policy Framework (NPPF, July 2021) relating to substantial harm to designated heritage assets, and the same tests apply to the current applications. It was also accepted that there would be a degree of harm to the All Saints Conservation Area, although that was much less as the main elevation to Bridge Street was to be retained. The current proposals to change the use from hotel to residential will cause some additional harm to the significance of the listed buildings and the conservation area, due to the loss of the hotel/inn use on this site which has existed since at least the late 16th century.
- 8.23 Historic England has considered the current re-worked proposals in light of the policy considerations for substantial harm, the information submitted with the current applications, and the conclusions of the Arrol Report. The Arrol Report demonstrated that the current nature of the heritage asset in relation to market conditions prevents viable use of the site. Attempts at marketing have been carried out without success and the Report confirmed that the issue with viability is such that any further attempts are unlikely to yield positive results. The size of the conservation deficit demonstrated by the study is such that no conservation of the listed building by grant funding is going to be possible and any kind of not-for-profit or charitable use would not be able to deal with the cost of repairs or be able to carry out a viable use, particularly as this is designed to be a commercial building in a commercial district. However, set against all these negatives is a substantial positive: a site that is currently an eyesore in the heart of Northampton and has been scaffolded for a decade since the fire, has the prospect of being redeveloped and brought back into use to bring a positive regeneration effect to the centre of Northampton. The proposals include the retention and repair of the main elevation to Bridge Street and the gable end to Angel Street, which would have the most positive impact in terms of the visibility of the listed building. Historic England have assessed the proposal and concluded that the point has demonstrably been reached where the tests for substantial harm to designated heritage assets in paragraph 201 of the NPPF have been met and therefore raise no objection to the current proposals.
- 8.24 However, Historic England have stated that in order to ensure that the loss is outweighed by the benefit of bringing the site back into use, planning conditions (in line with those attached to the previous hotel consent) are attached to secure the;
- retention and repair of the Bridge Street elevation and Angel Street gable-end as far as possible;
  - materials;

- archaeological investigation;
- recording of structures prior to demolition; and
- ensuring that demolition works are not carried out before a contract for the redevelopment works has been made.

8.25 In order to ensure that the loss is outweighed by the benefit of bringing the site back into use, the LPA needs to safeguard against the prospect that the listed structures will be demolished, and the site cleared without delivering construction of the new hotel building and repair/restoration of the Bridge Street façade. A condition has been added to ensure that no demolition takes place until a contract has been entered into and this is further supported by the requirement for a method statement relating to the demolition and the retention of the Bridge Street façade and part of the Angel Street wall. The applicant contends that such a condition is not necessary. However, the LPA disagrees and considers the need for such a condition goes to the heart of any consent granted. It is considered that with the additional information the LPA and its historic advisers are now faced with, a fair assessment has been carried out of the proposal in the context of national and local planning policy.

8.26 The alterations together with other amendments to the scheme have sought to reduce the impact of the building on the street scene, in respect of scale and massing, such that the design of the scheme as proposed is considered to be acceptable in terms of layout and impact on the streetscene and the setting of the conservation area and adjacent listed buildings. It is also considered that given the current situation in respect of the fire damaged, disused building, the proposal would result in a positive impact on the street scene and the setting of the All-Saints Conservation Area.

8.27 The site has the potential to be a noisy environment, given the mix of traffic movements in the area and the mix of uses around the site. Policy BN9 considers the implications of noise as part of the planning process. A noise survey was submitted with the planning application, and this has been assessed. Following an initial assessment by Environmental Health, further clarification on the assessment data along with potential mitigation measures was requested and provided for assessment and the Environmental Health Officer considers the level of information provided to be acceptable to ensure that the amenity of future of occupiers is secured whilst also ensuring that existing businesses can continue to operate. It is noted that concerns have been raised by adjacent commercial operators regarding the potential of the proposal to adversely impact upon the operation of existing businesses.

8.28 Environmental Health have requested the imposition of a condition to secure an alternative form of ventilation scheme which is considered relevant to the listed building consent application as it would impact upon the fabric of the listed building. In addition, it is noted that in terms of the condition relating to the windows, a balanced judgement will need to be made in terms of the window design and impact on heritage assets, and the need to protect occupiers from noise to meet the requirements of Policy BN9 of the JCS.

## **9 PLANNING BALANCE AND CONCLUSION**

9.1 The development as proposed is acceptable and would bring prominent fire damaged Grade II listed buildings within All Saints Conservation Area back into a viable long-term use. The harm to the listed buildings arising from the proposed alterations, additions and demolition is considered substantial. However, the proposal has been assessed against the criteria in Paragraph 195 of the NPPF, and it is considered this harm is outweighed by the public benefits of the scheme in bringing these Grade II



listed buildings back into use with a use sympathetic to the buildings' heritage which would make a positive contribution to the regeneration of the town centre and conservation area and lead to the creation of employment opportunities and new homes. The design and appearance of the new build element would be in contrast with but sympathetic to the existing heritage assets and surrounding built context. The proposal is therefore considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 and 21 of the Northampton Central Area Action Plan and Policy E26 of the Northampton Local Plan (Saved Policies).

## **10 RECOMMENDATION**

- 10.1 Approve, subject to conditions.

## **11 CONDITIONS**

### Time

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.

### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 020-140-001 Rev E, 020-140-002 Rev D, 020-140-003 Rev D, 020-140-004 Rev D, 020-140-005 Rev A Location Plan), 020-140-006 Rev B, 020-140-007 Rev A.

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

### Materials

3. Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials (including stucco) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

### Window Details

4. Prior to installation, and notwithstanding the submitted details, further precise details of the windows including sections and profiles at a scale of 1:10 or 1:20, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Building in accordance Policy BN5 of the West Northamptonshire Joint Core Strategy.

### Ventilation

5. Prior to the commencement of the development, a scheme of alternative mechanical ventilation scheme to serve the residential units of this application shall be submitted in writing and agreed to the satisfaction of the LPA. Any agreed scheme shall:
- i) Be capable of providing air changes at volumes equivalent to an open window for the purposes of rapid cooling and ventilation.
  - ii) Not compromise the façade insulation or the resulting internal noise level.
  - iii) Operate at a level to comply with noise rating curve NR25 or lower.

Once agreed, the scheme shall be implemented in full prior to first occupation of the residential accommodation and thereafter retained and maintained.

Reason: In the interests of amenity for existing and future occupiers and to secure a satisfactory standard of development in accordance with Policy S10 and BN9 of the West Northampton Joint Core Strategy.

### Archaeology

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

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure details are agreed in a timely manner.

### Security Details

7. Notwithstanding the submitted information, a Security Strategy for the site shall be submitted for approval in writing by the Local Planning Authority prior to occupation of the development hereby permitted. This shall include, but not be limited to CCTV, security measures for both commercial and residential accommodation, service areas and measures to ensure security of the internal courtyard area. The development shall be carried out prior to first occupation and thereafter maintained in accordance with the approved details.

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

### Lighting

8. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained thereafter.

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

### Redevelopment Strategy

9. The works of demolition authorised by this consent shall not be carried out before a contract for the carrying out of the works of redevelopment of the site hereby approved has been made, the details of which shall have been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development and in the interests of amenity and heritage assets in accordance with the National Planning Policy Framework and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy.

### Building Survey

10. Prior to the commencement of any work hereby authorised, a detailed condition survey of those elements of the listed building to be retained shall be carried out by a suitably qualified person and the survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include details of the structural condition of foundations, walls and roof. Any works identified in the report as being necessary to secure the structural integrity of the elements of the building to be retained, including the Bridge Street façade and gable to Angel Street, or to preserve important features, such as the front bay window including the retention of the stained glass window to Bridge Street, shall be carried out in accordance with the approved details and within a timescale to be agreed in writing with the Local Planning Authority.

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

### Demolition

11. Prior to work commencing on site a detailed schedule of works as informed by the approved Condition Survey, including a demolition method statement, shall be submitted to and approved in writing by the Local Planning Authority. The proposed schedule of works shall include, but not be limited to, the following:
- Methods to protect, support and repair the façade to Bridge Street and gable to Angel Street,
  - the retention and repair of the front bay window,
  - retention of the stained-glass window,
  - the timescale, nature, scope, materials, methodology and approach to those works, including drawings where necessary.

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

Reason: To ensure the protection of the integrity of the listed buildings in accordance with the National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy.

### Building Recording

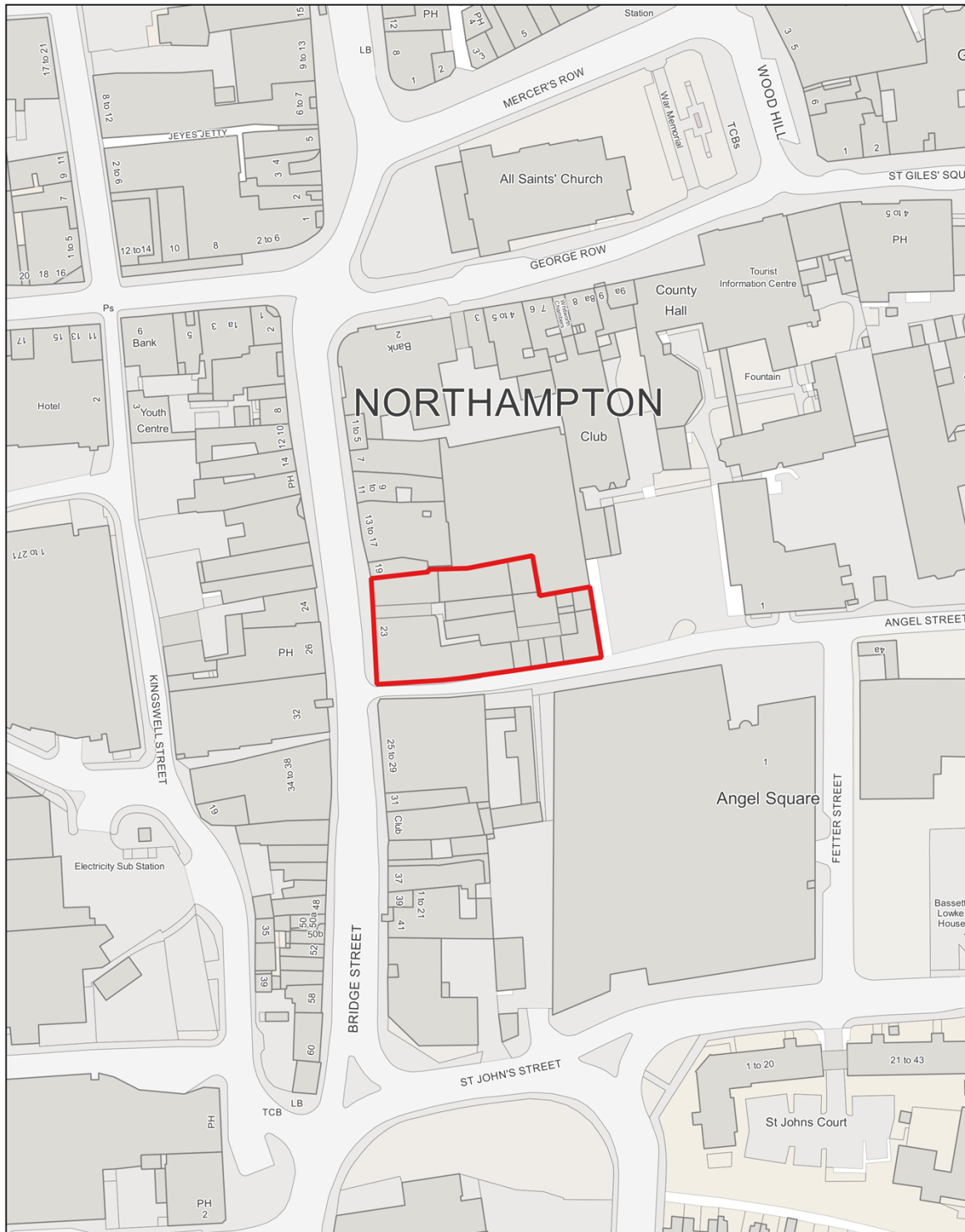
12. No alteration or demolition shall take place until a programme of buildings recording has been compiled and submitted to and approved in writing by the Local Planning

Authority in accordance with the recording brief issued by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.



# Planning Committee Report



Title: **Rear of 21-23 Bridge Street**

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# Planning Committee Report

**Committee Date:** 1<sup>st</sup> November 2022

**Application Number:** WNN/2022/0756

**Location:** 218 Abington Avenue, Northampton, NN1 4PR

**Development:** Change of Use from House in Multiple Occupation for 6 occupants (Use Class C4) into House in Multiple Occupation for 7 occupants (Use Class Sui Generis)

**Applicant:** Mads Jensen

**Agent:** Mads Jensen

**Case Officer:** Samantha Taylor

**Ward:** Abington and Phippsville Unitary Ward

**Referred by:** Councillor B Purser

**Reason for Referral:** Overdevelopment, parking, refuse disposal and the provision of health care

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### Proposal

The application seeks full planning permission for the change of use of the existing 6 bedroom house in multiple occupation, to a 7 bedroom house in multiple occupation.

### Consultations

The following consultees have raised **objections** to the application:

- Cllr Purser

The following consultees have raised **no objections** to the application:

- Housing

The following consultees have made **comments** on the application:

- Northampton Town Council

One letter of objection has been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Standard of Living Conditions and Amenity
- Highway Safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is an existing house in multiple occupation located along Abington Avenue. The property is part of a terrace, with residential properties attached to one side and a public house attached to the other. The property benefits from a small area to the front of the property, currently used for bin storage, a rear garden and garage.

### **2 CONSTRAINTS**

- 2.1 The application site is subject to an Article 4 Direction which removes permitted development rights in relation to a change of use to a House in Multiple Occupation. There are no other site-specific constraints related to the consideration of this proposal.

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application seeks full planning permission for the change of use of the property from a 6 bedroom house in multiple occupation to a 7 bedroom house in multiple occupation, with bin storage and cycle parking. The proposal does not include any extensions, instead, an existing room used for storage is proposed to change use and the boiler relocated.

### **4 RELEVANT PLANNING HISTORY**

- 4.1 The site has been subject to a Planning Enforcement assessment regarding the House in Multiple Occupancy status. The Enforcement assessment confirmed that the property, on the balance of probability, would have been in use as a house in multiple occupation since before the adoption of the Article 4 Direction. As such, at the time of the original change of use from a single C3 residential dwellinghouse to a C4 6-bedroom house in multiple occupation, planning permission was not required. Therefore, the property has been lawfully operating a 6-bedroom house in multiple occupation.



## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Development Plan**

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### **West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)**

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

- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

#### **Northampton Local Plan 1997 (Saved Policies) (NLP1)**

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

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation within a single dwelling

### **Material Considerations**

- 5.4 Below is a list of the relevant Material Planning Considerations:

- **National Policies**

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

- Paragraphs 72 (c) – ensure that a variety of homes to meet the needs of different groups in the community will be provided.
- Paragraph 127 (f) – seeks to create safe and healthy places with a

high standard of amenity for existing and future users.

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
  - Policy 2 – Placemaking and Design (Moderate weight)
  - Policy 4 – Amenity and layout (Moderate weight)
  - Policy 6 – Health and wellbeing (Significant weight)
  - Policy 7 – Flood risk and water management (Significant weight)
  - Policy 15 – Delivering houses in multiple occupation (Significant weight)
  - Policy 33 – Highway network and safety (Significant weight)
  - Policy 35 – Parking standards (Significant weight)
- Residential Extensions and Alterations Design Guide 2011
  - Northamptonshire County Parking Standards (November 2016)
  - Northampton Parking Standards Supplementary Planning Document (November 2019)
  - Houses in Multiple Occupation Supplementary Planning Document (November 2019)

The HMO SPD details that proposals for HMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.

## 6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Cllr Purser	Objection	Call in request made, concerns regarding impact on healthcare, parking and highway safety and overdevelopment
Housing	No objection	Bedroom size is adequate for a HMO, amended plans should be requested to show kitchen facilities and sanitary facilities, comments made that fire protection measures would need to be installed following a fire safety assessment
Northampton Town Council	Comments	Unsure of the position and impact of the new boiler location, prefer to see ensuite facilities, existing high concentration of HMOs in the area

## 7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There has been one objection received raising the following comments:

- Overdevelopment, through over concentration
- Highway Safety concerns through inadequate parking
- Refuse disposal is an existing issue in the local area
- Neighbour consultation should be wider

## 8 APPRAISAL

### Principle of Development

8.1 The conversion of the existing dwelling to a HiMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities.

8.2 The principle of the property being used as a house in multiple occupation (HMO) has been established through the earlier lawful change of use to a 6-bedroom HMO. As such, the property can continue to be used for the purposes of a 6-bedroom HMO, without requiring further planning permission.

8.3 As such, this appraisal assesses the impact of providing a further lettable bedroom within the footprint of the existing property. Therefore, consideration of relevant planning matters can only be given to the additional impacts of the additional one bedroom.

### Impact on Character of Area

8.3 It is noted that concerns have been raised within the representations received that the proposal would have an unacceptable impact on the character of the area through

overdevelopment caused by the existing high concentration of HMO properties within the local area.

- 8.4 In terms of the impact of the proposal, the application does not seek any extension to the property, only internal alterations are proposed to reconfigure the layout. As the property is an existing lawful HMO, the concentration calculation in this case is not relevant.

#### Impact on Highway Safety

- 8.5 Concerns have been raised regarding the impact of the proposal on highway safety with additional pressure placed on existing car parking problems.
- 8.6 As the proposal is for one additional bedroom, Officers consider that there would not be an additional significant demand for on-street parking arising from the proposal. Whilst it is acknowledge that there is an existing parking deficit within the local area, the application site is located within close proximity to a well serviced bus stop and a parade of shops is located within walking distance to the west of the site.
- 8.7 The proposal shows that one on plot parking space can be provided within the existing garage as well as sufficient space for cycle parking stands for all occupants. A condition has been recommended which would secure the installation of the cycle parking stands.
- 8.8 Overall, Officers consider that the proposal, to increase the existing HMO by one bedroom, would not give rise to an unacceptable impact upon the

#### Amenity and Space standards

- 8.9 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HiMOs to be of sufficient size to accommodate the proposed use. The HiMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.10 The House in Multiple Occupation SPD sets out minimum standards for kitchen, living and bedroom spaces depending on the number of occupants. In this case, the proposal would be for 7 occupants, and as such, the standards for 6-10 people as set out in the SPD would apply.
- 8.11 The new bedroom created shows a floor space of 11.5sqm, which is above the larger room size of 10sqm where no additional communal space is required. As confirmed by the Housing Officer, the proposed bedroom size is adequate for a room within a HMO. The other bedrooms within the property, have a great floorspace above this larger room standard. Therefore, the property is not required to provide additional communal living space other than a kitchen measuring a minimum of 10sqm. In this case, the floor plans show the existing kitchen space would measure 17.8sqm, in excess of the minimum space requirement. Therefore, in terms of the bedroom size and provision of kitchen/communal space, the proposal meets the space standards required.

- 8.12 The HMO SPD also sets out the number of bathrooms required to serve the occupants of a HMO. In this case the minimum provision required would be 2 bathrooms containing either a bath or shower, 2 toilets with wash hand basins. Whilst the comments made in the representations are noted, amended plans have been received which show the provision within the bathrooms. The property includes the provision of 3 bathrooms, each with their own toilet, shower and hand basin. This is provision above that required as a minimum and therefore, the proposal adequately provided bathroom space to meet the requirements of the HMO SPD.
- 8.13 The plans show the location of the existing bin store at the front of the site, behind the wall and hedge serving the property, when accessed from Abington Avenue. The HMO SPD requires the bin store to be enclosed, however, as the property is already within a HMO use prior to the adoption of the SPD and Article 4 Direction, it is considered unreasonable to retrospectively require enclosed storage to be provided. As the proposal would be for one additional bedroom, the bin storage location as existing is considered adequate.

#### Refuse

- 8.14 HiMOs are required to provide suitable refuse storage. The submitted plan indicates an area to the rear of the dwelling that is to be used for bin storage and this is considered acceptable. Bins would need to be transferred through the building for collection, which is the same arrangement for the existing dwellinghouse.

#### Amenity

- 8.15 The proposal is for a residential use of the property. There is no evidence to demonstrate that the proposal would generate any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues, could be justified.

#### Other matters

- 8.16 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. As such, there are not any significant concerns with flooding to the proposed ground floor bedrooms.

### **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

### **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed development would not lead to an unacceptable concentration of HiMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would not have any significant and demonstrable adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring property. The property is of sufficient size to accommodate the level of occupancy as proposed.
- 10.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the

Northampton Local Plan, Policy 15 of the emerging Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the conditions listed below (and any amendments to those conditions as deemed necessary):

### Time Limit

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.

### Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plan:

Floor Site Plan

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

### Occupancy

3. The development hereby permitted shall be occupied by a maximum of seven residents at any one time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

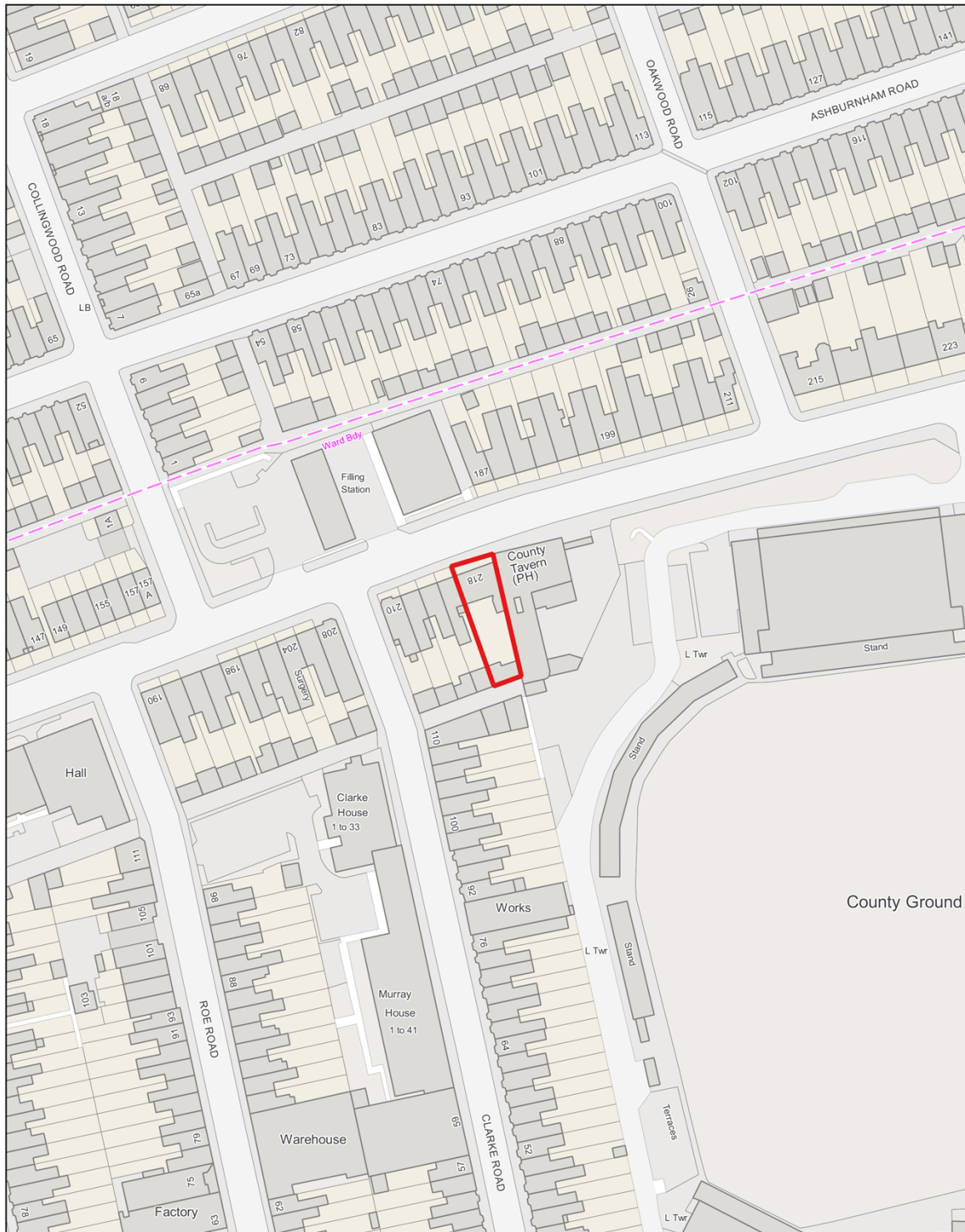
### Cycle Storage

4. Notwithstanding the submitted information, full details for the provision of secure cycle storage for a minimum of five bicycles shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The approved cycle storage facilities shall be provided before the development is occupied and thereafter retained as such.

Reason: To promote sustainable modes of transport and in the interests of crime prevention and to accord with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.



# Planning Committee Report



Title: **218 Abington Avenue**

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# Planning Committee Report

**Committee Date:** 1<sup>st</sup> November 2022

**Application Number:** WNN/2022/0797

**Location:** 48 Hazelwood Road, Northampton

**Development:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)

**Applicant:** Dr Tariq Muhammad

**Agent:** Mr Sanaa Lateef

**Case Officer:** Adam Walker

**Ward:** Castle Unitary Ward

**Referred by:** Councillor D Stone

**Reason for Referral:** Overdevelopment, inappropriate development and pressure on services

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### Proposal

Permission is sought for a change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for up to 8 occupants. No external alterations are proposed.

The following consultees have raised **objections** to the application:

- Town Centre Conservation Areas Advisory Committee
- Councillor Danielle Stone
- Northampton Town Council

The following consultees have made **observations** on the application:

- Northampton Town Council
- Private Sector Housing

1 letter of objection has been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of development
- Amenity issues
- Highway matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site comprises of a mid-terrace dwellinghouse located on the eastern side of Hazelwood Road within Northampton town centre. The property extends over four floors and provides four bedrooms. At the back of the house is an area of amenity space.
- 1.2 Hazelwood Road is largely residential in character but does include some commercial uses. The site is very close to St Giles Street which forms a secondary shopping frontage.

### **2 CONSTRAINTS**

- 2.1 The application site is within the Derngate Conservation Area.
- 2.2 The application site is subject to an Article 4 Direction which removes permitted development rights in relation to a change of use to a House in Multiple Occupation (HIMOs).
- 2.3 The site forms part of a wider safeguarded employment area in the Northampton Central Area Action Plan.

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 Planning permission is sought for change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). The proposal is for up to 8 occupants.
- 3.2 There would be a total of 6 bedrooms across the ground, first and second floors. Three of the bedrooms would have an en-suite and there would be a shared shower room with WC and a separate WC.

- 3.3 The lower ground floor would contain a kitchen and dining area with a sitting room to the rear that would open out into back yard. The lower ground floor also has a self-contained utility room.

#### 4 RELEVANT PLANNING HISTORY

- 4.1 The following planning history is considered relevant to the current proposal:

Application Ref	Proposal	Decision
N/2019/0513	Conversion of existing dwelling into 4no flats with internal alterations, rear extension and conversion of attic and rear roof extension	Refused on the grounds of the impact of the proposed rear extension and external alterations on the character and appearance of the host dwelling and Derrnigate Conservation Area and the impact on the privacy of neighbour amenity
N/2018/1677	Conversion of existing dwelling to 5no one bedroom flats with rear extension and conversion of existing loft space with roof extension and rooflights	Withdrawn following Officer advice that the recommendation would be for refusal
N/2000/0023	Change of use to a single dwelling (from accountants)	Approved

#### 5 RELEVANT PLANNING POLICY AND GUIDANCE

##### Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

##### Development Plan

- 5.3 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

##### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LLP1)

- 5.4 The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:

- SA - Presumption in favour of sustainable development
- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

### **Northampton Central Area Action Plan (CAAP) (2013)**

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

- Policy 16 – Central Area Living

### **Northampton Local Plan 1997 (Saved Policies) (NLP1)**

5.5 Given the age of the Northampton Local Plan the weight to be afforded to its policies is diminished, however the following policies are relevant to the application:

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation with a single dwelling

### **Material Considerations**

5.5 Below is a list of the relevant Material Planning Considerations:

- **National Planning Policy Framework (NPPF)**

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

Paragraphs 72 (c) – ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) – seeks to create safe and healthy places with a high standard of amenity for existing and future users.

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are

therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking and design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 5 – Carbon reduction, sustainable design etc (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 7 – Flood risk (Significant weight)
- Policy 8 – Supporting Northampton town centre’s role (Significant weight)
- Policy 15 – Delivering houses in multiple occupation (Significant weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

### **Houses in Multiple Occupation Supplementary Planning Document (November 2019)**

5.6 The HMO SPD details that proposals for HMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities.
- Provide adequate waste and recycling facilities and sufficient refuse storage.
- Minimise flood risk.
- Secure provision of adequate parking.
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.
- 
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)

## **6 RESPONSE TO CONSULTATION**

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Town Centre Conservation Areas Advisory Committee	Object	Regrets the loss of a dwellinghouse. Overconcentration of HMOs can encourage a transient population and a less diverse community which can in turn affect the vitality and character of the conservation area. Parking and waste management problems can also affect the appearance of the conservation area. There are already a high number of HMOs

		<p>in the area and concentration should be assessed in line with the HMO SPD. The existing use of the property needs to be clarified.</p> <p>Many original features have been removed from the building, including external features. The Derngate Conservation Area has Article 4 protection for windows so there is a need for a check that no unauthorised works have been done to the windows. The original windows contribute greatly to the appearance and historic significance of the conservation area.</p>
Private Sector Housing	Observation	<p>Bedroom sizes meet requirements. The kitchen facilities and amenities as shown would only be sufficient for 5 people. Additional kitchen amenities and facilities will be required to meet the standards for more than 5 people. The sanitary facilities as shown are adequate.</p> <p>The proposed plan shows provisions for fire protection, detection and alarm systems which meets the appropriate standards. The level of fire protection is a matter to be determined by a fire safety assessment commissioned or undertaken by the owner. A higher degree of fire protection would be necessary if the HMO is to be let on the basis of individual tenancies for each letting room.</p>
Northampton Town Council	Observation	The proposed use as a HMO would result in the loss of large single family home that is in close proximity to the Town Centre.
Cllr Danielle Stone	Object	Call this in the grounds of overdevelopment, inappropriate development, pressure on services
Conservation Officer	-	No comments received at time of writing
Local Highway Authority	-	No comments received at time of writing

## 7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1 There has been one representation received, which raises an objection. A summary of the concerns raised is provided as follows:

- Occupation by regular tenants rather than on the basis of short-term lettings offers the potential to be an improvement on the existing situation. However, the scale of development and certain features of the property raises concerns.
- Privacy - The balcony on the ground floor level (indicated as a 'terrace' on the proposed plans) was built without permission when the application property and an adjoining property operated as offices. The change of both properties back to residential means that occupiers of 48 Hazelwood Road have unrestricted views of an adjoining property (dining room, garden including the sunken courtyard, and shower room). It has also caused issues with noise and smoke.
- Overdevelopment – Plans have been approved to create 127 independent residences (i.e. house, flat or HMO) facing onto Hazelwood Road, St Giles Street, and Dergate. The volume of work and regeneration within the Dergate Conservation Area should outweigh any need to lose another single-dwelling home. It would also reduce risk of further loss of the property's original features.
- Loss of a dwelling on Hazelwood Road which would encourage a more transient residential population. It would leave behind only four single-dwellings on a street of 56 properties.
- Waste Management – Lack of suitable waste storage means that waste will likely be left outside attracting pests and generating odours.
- Pressures on Services - The property has suffered from issues with overflowing sewerage. The proposal is likely to increase pressure on the existing utilities and likely lead to further issues. There will also be additional pressure on local services such as GPs.
- Accessibility - The building has no rear access to the garden (which is one level below the ground floor entrance). As a result, bikes or similar items will likely be stored in the entrance hallway presenting a fire hazard.
- Quality of Living – Concerns raised with the size of the proposed sitting room and kitchen facilities provided

## 8 APPRAISAL

### Principle of Development

- 8.1 The conversion of the existing dwelling to a HMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. It is also consistent with Policy 16 of the Central Area Action Plan which promotes a mix of dwelling types, sizes and tenures within the town centre. In addition, Policy H5 of the Joint Core Strategy (JCS) and Policy 15 of the emerging Local Plan Part 2 allow for HMOs subject to the assessment of a specific set of considerations. The principle of development is therefore considered to be acceptable, subject to consideration of the matters detailed in the remainder of this appraisal.

### Area concentration

- 8.2 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HMOs. Principle 1 of the SPD seeks to create, support and maintain a balanced, mixed and inclusive community and protect the neighbourhood and streetscene character. To help achieve this objective, it aims to avoid an over concentration of similar uses in one locality and sets a maximum threshold of 10% of HMOs within a 50m radius of any other HMO (regardless of whether licensed or not). The SPD is up to date, having been adopted in November 2019, and it can therefore be afforded substantial weight in decision making.

- 8.3 Policy 15 of the emerging Local Plan 2 relates to the delivery of HMOs and reflects the HMO SPD in terms of consideration of the concentration of HMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. Emerging Policy 15 is considered to carry significant weight.
- 8.4 Council records have been investigated and the evidence indicates that there are 7 existing licenced HMOs within a 50m radius of the application site. Based on the methodology for the calculation of concentration as set out on the HMO SPD, the proposed development would result in a HMO concentration of 8.6% within a 50m radius of the application site.
- 8.5 Given that the proposal is below the 10% threshold in relation to the concentration of HMOs it is considered that the mixture of property types in this locality would maintain an acceptable balance.
- 8.6 Based on the above, the application is considered to accord with the aims of the National Planning Policy Framework, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, the HMO SPD and Policy 15 of the emerging Local Plan Part 2.

#### Size of the property and facilities for future occupiers

- 8.7 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HMOs to be of sufficient size to accommodate the proposed use. The HMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.8 The property would provide 6 bedrooms and the applicant has stated that the maximum number of occupiers would be 8.
- 8.9 The bedrooms range in size from approximately 10.75m<sup>2</sup> to 18.75m<sup>2</sup> (excluding en-suites). Two of the bedrooms exceed the minimum size requirement for two-person occupancy and the remaining four bedrooms exceed the minimum size requirement for single occupancy. The property therefore provides sufficient bedroom space for the proposed number of occupiers.
- 8.10 A kitchen-diner would be provided on the lower ground floor and this would link to a separate sitting room at the back of the property. The amount of communal floorspace significantly exceeds the minimum requirement and is therefore considered acceptable. Private Sector Housing commented that the level of facilities and amenities within the kitchen-diner would only be suitable for 5 people. The applicant has responded to this and has provided a revised plan showing additional cooking and washing facilities in line with published guidance (HMO Amenities Facilities and Management Standards). For the purposes of this planning application, officers are satisfied that the kitchen-diner provides adequate space for the required facilities and amenities. The provision of specific kitchen facilities and amenities would be controlled through the HMO licensing process.



8.11 Sanitary facilities are also considered to be acceptable. Three of the bedrooms would have their own en-suite, including the two bedrooms that are suitable for double occupancy. A shared shower room (with WC) and a separate WC would be available for the occupants of the other three bedrooms. These would be located on the ground and first floors respectively, on the same level as the bedrooms.

8.12 All the bedrooms would be served by windows that would afford adequate natural light, ventilation and an acceptable outlook. The kitchen-diner is located on the lower ground floor and this is the same as the arrangement for the existing dwellinghouse. There is a lightwell to the front of the kitchen-diner and this room would connect through to a small sitting room which in turn opens out onto the back yard. The communal space is also considered to provide adequate window openings.

8.13 All of the future occupiers would have access to the existing amenity space at the rear of the property. One of the occupiers would also benefit from access to an existing private balcony/terrace.

8.14 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 8 people would be necessary in the event of any approval to ensure that the size and level of facilities remained appropriate for the number of occupiers. For completeness, a condition restricting the use of any part of the lower ground floor for use as a bedroom is also recommended.

#### Flood risk

8.15 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. As such there are no significant concerns with the continued residential use of the lower ground floor.

#### Highways/Parking

8.16 The site is within a highly town centre sustainable location close to a range of facilities, amenities and transport connections.

8.17 The property does not have any off-street parking and there are parking restrictions on Hazelwood Road.

8.18 Nil parking provision is considered acceptable in this instance given the highly sustainable location of the site.

8.19 It is appropriate for cycle storage to be provided for the future occupiers although it is acknowledged that there are likely to be some difficulties with manoeuvring bikes in and out of the property because of layout constraints. Nevertheless, this is not materially different to the situation for the existing dwellinghouse and a condition requiring details of cycle storage is recommended to help promote cycle usage.

#### Refuse

8.20 The application site is in an area where black bags are collected from the street. With the front of the property being one storey higher than the rear, it is not possible to provide refuse bins within the rear garden for bin storage. The plans do not indicate where refuse would be stored but there is some scope to provide storage on the lower ground floor, such as within the utility room. It is likely that bags would need to be transferred from the lower ground floor or from the rear of the property for collection. There are similar constraints for the established dwellinghouse. To ensure that refuse storage is

managed appropriately, a condition is recommended requiring details of the proposed refuse storage arrangements.

#### Residential amenity

8.21 The proposal is for a residential use of the property. There is no evidence to demonstrate that the proposal would generate any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues, could be justified.

8.22 Concerns have been raised within a neighbour objection regarding the use of the existing ground floor balcony/terrace at the rear of the property. The balcony/terrace is part of the established residential use and is currently accessed from the existing lounge. The use of the balcony/terrace in connection with the occupation of one of the bedrooms would not therefore result in any material change in circumstances and as such it is difficult to substantiate this objection. Whilst there is no planning history for the erection of the balcony/terrace, given the length of time that it has been in situ it would be deemed lawful development.

#### Other matters

8.23 No external alterations are proposed as part of the application and in this regard the proposal would not have any material impact on the visual amenity of the streetscene or the character and appearance of the Derngate Conservation Area.

8.24 The comments made by the Town Centre Conservation Areas Advisory Committee (TCCAAC) are acknowledged, however, any external alterations that may have been made to the windows fall outside of the scope of this application.

8.25 Concerns have been raised by the TCCAAC, Northampton Town Council and a third party regarding the loss of a family dwellinghouse. There is no planning policy basis to justify the retention of the dwelling as a traditional C3 dwellinghouse and the application must be assessed having regard to the policies and guidance set out within this report. Officers have concluded that the proposal accords with relevant planning policy and as such there would not be grounds to object to the change of use.

8.26 Concerns have also been raised regarding additional pressure on services. The concern with the impact of the proposed development on drainage infrastructure is not material to the assessment of this particular planning application because it is solely for a change of use from one type of residential usage to another. This would be a matter between the landowner and Anglian Water. The impact on health services is also not a material consideration in this case because the scale and nature of the proposal are such that it falls outside the scope of requiring a healthcare contribution.

8.27 The requisite level of fire protection measures would be determined through a separate fire safety assessment.

#### **FINANCIAL CONSIDERATIONS**

9.1 The development is not CIL liable.

#### **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed development would not lead to an unacceptable concentration of HMOs within the locality and would not adversely affect the character of the local area and streetscene, as well as the character or appearance of the Derngate Conservation Area. Furthermore, the development would not have any significant adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring properties. The application property is of sufficient size to accommodate the level of occupancy as proposed.
- 10.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, Saved Policies E20 and H30 of the Northampton Local Plan, Policy 16 of the Central Area Action Plan, Policy 15 of the emerging Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the following conditions:

### Time Limit

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.

### Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plan: HR21A.

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

### Occupancy

3. The development hereby permitted shall be occupied by a maximum of 8 residents at any one time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

### Refuse Storage

4. Details of the proposed refuse storage for the property shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. The refuse storage shall be provided in accordance with the approved details before the development is first occupied and shall be retained as such thereafter.

Reason: In the interests of amenity and to preserve the significance of the Derngate Conservation Area and to secure a satisfactory standard of development. This is to accord with Policies H1, H5 and BN5 of the West Northamptonshire Joint Core

Strategy, Policies 15 and 31 of the emerging Local Plan Part 2 and the National Planning Policy Framework.

Cycle Storage

5. Details for the provision of secure cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The approved cycle storage facilities shall be provided before the development is occupied and thereafter retained as such.

Reason: To promote sustainable modes of transport and in the interests of crime prevention and to accord with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, Policy 15 of the emerging Local Plan Part 2 and the National Planning Policy Framework.

Use of lower ground floor

6. No part of the lower ground floor within the property shall be occupied as a bedroom at any time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy 15 of the emerging Local Plan Part 2 and the National Planning Policy Framework.



Title: **48 Hazelwood Road**

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# Planning Committee Report

**Committee Date:** 1<sup>st</sup> November 2022

**Application Number:** WNN/2022/0903

**Location:** 12 Henry Bird Court, Northampton, NN4 8GP

**Development:** Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including conversion of garage to habitable room

**Applicant:** Mr M McGuire

**Agent:** Mr Patrick Dooley

**Case Officer:** Samantha Taylor

**Ward:** Delapre and Rushmere Unitary Ward

**Referred by:** Councillor E Roberts

**Reason for Referral:** Overdevelopment, parking issues, refuse disposal, inappropriate conversion in a flood risk area and the provision of healthcare.

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS** as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### Proposal

The application seeks planning permission for the change of use of the existing 3 bedroom dwellinghouse to a 5 occupant house in multiple occupation (HMO).

### Consultations

The following consultees have raised **objections** to the application:

- Far Cotton and Delapre Community Council, Cllr Stone

The following consultees are **in support** of the application:

- Housing Standards

Letters of objection have been received from 6 properties.

## Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Area Concentration
- Size of Property and Facilities for Future Occupants
- Highways and Parking
- Refuse
- Amenity
- Design
- Flood Risk

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1 APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises a residential dwelling in an established residential street. The site is not in a Conservation Area but is in Flood Zone 2 – medium risk.

### 2 CONSTRAINTS

- 2.1 The application site is within Flood Zone 2 and an Article 4 Direction is in place restricting the change of use of C4 Houses in Multiple Occupation (HiMO).

### 3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) with 5 occupiers. There are no external works proposed other than a new front ground floor window to the proposed communal kitchen/living space.

### 4 RELEVANT PLANNING HISTORY

- 4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2021/0923	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants. 1 Smiths Court.	Approved
N/2018/0251	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation	Approved



	(Use Class C4) for 3 occupants. 35 Henry Bird Way	
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## 5 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3 The West Northamptonshire Joint Core Strategy (JCS) provides an up-to-date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:
- H1 - Housing Density & Mix & Type of Dwellings
  - H5 - Managing the Existing Housing Stock
  - S10 - Sustainable Development Principles
  - BN7 - Flood Risk

#### Northampton Local Plan 1997 (Saved Policies) (NLP1)

- 5.4 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:
- Policy E20 – Design for new development
  - Policy H30 – Multi-occupation within a single dwelling

### Material Considerations

- 5.5 Below is a list of the relevant Material Planning Considerations:

- **National Planning Policy Framework (NPPF)**

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

Paragraphs 72 (c) – ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) – seeks to create safe and healthy places with a high standard of amenity for existing and future users.

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
  - Policy 2 – Placemaking and Design (Moderate weight)
  - Policy 4 – Amenity and layout (Moderate weight)
  - Policy 6 – Health and wellbeing (Significant weight)
  - Policy 7 – Flood risk and water management (Significant weight)
  - Policy 15 – Delivering houses in multiple occupation (Significant weight)
  - Policy 33 – Highway network and safety (Significant weight)
  - Policy 35 – Parking standards (Significant weight)
- 
- Residential Extensions and Alterations Design Guide 2011
  - Northamptonshire County Parking Standards (November 2016)
  - Northampton Parking Standards Supplementary Planning Document (November 2019)
  - Houses in Multiple Occupation Supplementary Planning Document (November 2019)

The HMO SPD details that proposals for HMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities.
- Provide adequate waste and recycling facilities and sufficient refuse storage.
- Minimise flood risk.
- Secure provision of adequate parking.

- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.

## 6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Far Cotton and Delapre Community Council	Objection	The Council has asked for the concentration calculation, which has recently been provided to them. Raises concerns that there may be other unlicensed HiMOs in the area.
Cllr Roberts	Objection	Call the application to committee. Considers the proposal is overdevelopment, the property is not suitable for this type of development. There are already existing parking issues within the area. Fly tipping and waste disposal problems which exist will be added to. Occupants would need to share bathrooms facilities. The proposal would result in the loss of a family dwelling. There is no rear entrance and the garage conversion would result in an unacceptable flood risk.
Private Sector Housing	Supports	The proposed rooms sizes as shown on the plans meet the requirements for a 5 occupant HiMO. The kitchen facilities are adequate. The sanitary facilities are adequate. The fire safety provisions are adequate.

## 7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There have 6 number of objections received raising the following comments:

- Other properties are thought to be in use as unlicensed HiMOs
- Existing bin/refuse issues within the local area
- Highway Safety and Lack of Parking
- Loss of a Family Dwelling
- The area has too many HiMOs

## 8 APPRAISAL

### Principle of Development

8.1 Whilst it is noted that objections have been raised regarding the loss of a family dwelling, the property would remain in a residential use. The conversion of the existing dwelling to a HiMO is considered to be in line with national policy

requirements to deliver a wide choice of homes to create sustainable and mixed communities.

- 8.2 Policy H5 of the West Northamptonshire Joint Core Strategy (WNJCS) allows for HiMOs where the proposal would not adversely impact on the character of the area and the amenity of residential areas. Policy 15 of the emerging Local Plan Part 2 allows for new HiMOs provided the proposal does not result in an over-concentration of this type of housing, adequate space is provided for the occupiers, appropriate provision is made for refuse, cycle storage and parking and ground floor bedrooms are protected from flood risk. The Council's Houses in Multiple Occupation Supplementary Planning Document also sets out a series of principles for determining planning applications for HiMOs.
- 8.3 The principle of development is therefore considered to be acceptable, subject to assessment of the application against the aforementioned policies and guidance as set out below.

#### Area concentration

- 8.4 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HiMOs. Principle 1 of the SPD seeks to create, support and maintain a balanced, mixed and inclusive community and protect the neighbourhood and streetscene character. To help achieve this objective, it aims to avoid an over-concentration of similar uses in one locality and sets a maximum threshold of 10% of HiMOs within a 50m radius of any other HiMO (regardless of whether licensed or not). The SPD is up to date, having been adopted in November 2019, and it can therefore be afforded substantial weight in decision-making.
- 8.5 Policy 15 of the emerging Local Plan 2 relates to the delivery of HiMOs and reflects the HiMO SPD in terms of consideration of the concentration of HiMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HiMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. There have not been any proposed main modifications to this policy as part of the Local Plan 2 examination process and it is considered to carry significant weight.
- 8.6 Council records indicate that there are two existing licenced HiMOs within a 50m radius of the application site, and 97 standard C3 residential properties.
- 8.7 Based on the methodology for the calculation of concentration as set out on the HiMO SPD, the proposed development would result in a HiMO concentration of 3% within a 50m radius of the application site.
- 8.8 It is noted that objections have been received raising concerns that there are 3 unlicensed HiMOs operating within close proximity to the site. The Planning Enforcement Team have been contacted to investigate these properties. However, even if these properties were to be within a HiMO use, the concentration would be are 6% which is still below the threshold set out in the Council's adopted SPD.
- 8.9 Given that the proposal is below the 10% threshold set out in the Council's adopted SPD in relation to the concentration of HiMOs, it is considered that the mixture of property types in this locality would maintain an acceptable balance. The application is therefore considered to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan,

Policy 15 of the emerging Local Plan Part 2, the HiMO SPD and the aims of the National Planning Policy Framework.

Size of the property and facilities for future occupiers

- 8.10 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HiMOs to be of sufficient size to accommodate the proposed use. The HiMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.11 The property is considered to be of sufficient size to provide an acceptable standard of amenity for future occupiers having regard to the standards set out in the HiMO SPD.
- 8.12 All the bedrooms exceed the minimum requirements for single occupancy, with the bedroom sizes falling within the upper bracket of the space standards (minimum 10 square metres). The bedrooms range in size from 6.53 to 14 square metres. The bathroom facilities also meet the required standards. Private Sector Housing have confirmed that the room sizes and facilities are adequate to meet the needs of future occupants.
- 8.13 All habitable rooms as well as the kitchen/living space would be served by windows which would afford adequate natural light, ventilation and an acceptable outlook.
- 8.14 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 5 people would be necessary in the event of any approval to ensure that the size and level of facilities remained appropriate for the number of occupiers.

Highways/Parking

- 8.15 The property has one dedicated off-street parking space. The HiMO SPD sets out a starting point of one on-plot car parking space per bedroom. This is consistent with the standard specified in the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019). The Houses in Multiple Occupation SPD sets out that where limited or no parking provision is proposed, the developer must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 8.16 No parking beat survey has been submitted with the application, however the site is located in close proximity to the services within Far Cotton and Northampton Town Centre. The site is located within a sustainable location.
- 8.17 It is acknowledged that the area is heavily parked and residual parking capacity is likely to be very limited, especially in the evenings. This is confirmed by comments made within third party representations. It is also recognised that the proposal has the

potential to increase parking demand over and above that generated by the existing three bedroom dwellinghouse and that the cumulative impact of other HiMO development and existing dwellings and flats can have a significant impact on a local area.

- 8.18 Notwithstanding the above, the site is within a sustainable location and the concentration of HiMOs in this locality is within acceptable limits. As such, the application is in accordance with the HiMO SPD. Furthermore, previous planning applications for houses in multiple occupation within Northampton Borough have accepted that there is no evidence to support that all the residents would own cars. Under these previous applications, regard has been paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport and no or very limited parking is provided, considerable weight has been given to the sustainable location of the site. Indeed, some Inspectors have taken the view that proposed occupiers, in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 8.19 The HiMO SPD recommends that storage space should be provided which is accessible to cycle users. The Northamptonshire Parking Standards document (2016) indicates that for houses in multiple occupation, one cycle space should be provided per bedroom. Storage for 5 bicycles is indicated within the rear garden area. A condition requiring full details of the proposed cycle storage would be necessary to ensure that appropriate provision is made for the secure storage of bicycles. The provision of appropriate cycle storage would also help to mitigate the potential impact on parking.
- 8.20 In summary, whilst it is likely that some future occupiers would own a car, the site's sustainable location and the on-site availability of secure cycle storage are factors that would be anticipated to appeal to persons dependent upon sustainable modes of transportation. When also factoring in that the property's use as a single dwellinghouse would generate its own parking demands, it is considered that the parking arrangements for the development are acceptable. The application therefore accords with Policy H5 of the WNJCS, saved Policy H30 of the Northampton Local Plan, the NPPF and the HiMO SPD in so far as these policies and guidance indicate that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

#### Refuse

- 8.21 HiMOs are required to provide suitable refuse storage. The submitted plans show that there is a communal bin store for the wider development in close proximity to the site. Bins would need to be transferred through the building for collection, which is the same arrangement for the existing dwellinghouse. However, it is considered reasonable and necessary for an area for collecting bins to be accommodated within the site, before these are transferred to the central communal bin store. A similar approach has been undertaken at adjacent approved HiMOs, such as 1 Smith's Court.

#### Amenity

- 8.22 The proposal is for a residential use of the property. There is no evidence to demonstrate that the proposal would generate any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse. Consequently, it is not considered that a refusal of

planning permission, or the imposition of conditions in relation to amenity issues, could be justified.

#### Design

- 8.23 The proposed blocking up of the garage is considered acceptable subject to the use of matching materials. This can be conditioned. The proposal includes a window into the communal living space at ground floor level, which is an appropriate design feature. As such, the proposal is considered to accord with Policy E20 of the Northampton Local Plan.

#### Flood Risk

- 8.24 The site lies in a medium risk Flood Zone (Zone 2) where the EA comment that there should be no ground floor sleeping accommodation which can be conditioned, therefore there is limited risk from flooding to the proposed use. The proposed plans do not show the provision of sleeping accommodation on the ground floor. This accords with Policy BN7 of the JCS.

### **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

### **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed development would not lead to an unacceptable concentration of HiMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would not have any significant and demonstrable adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring property. The property is of sufficient size to accommodate the level of occupancy as proposed.
- 10.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan, Policy 15 of the emerging Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

### **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the conditions listed below (and any amendments to those conditions as deemed necessary).

#### Time Limit

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.

#### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan ASM-22-M25-001a  
Block Plan ASM-22-M25-004

Proposed Floor Plans and Front Elevation, ASM-22-M25-003a

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

Maximum Occupants

3. The maximum number of occupiers shall not exceed 5 at any one time

Reason: To prevent over-development to accord with Policy H1 of the West Northamptonshire Joint Core Strategy.

Cycle Parking

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

Reason: To ensure the provision of adequate facilities in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

Bin Storage

5. Full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

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

No Ground Floor Sleeping Accommodation

6. No bedroom sleeping accommodation shall be provided on the ground floor of the property.

Reason: To reduce the risk of flooding to the proposed development and future occupants to comply with Policy BN7 of the Joint Core Strategy.

7. Matching Materials

The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the West Northamptonshire Joint Core Strategy.





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