



Planning Committee Report

Committee Date: 14th March 2023

Application Number: WNN/2022/0410

Location: Market Walk Shopping Centre, First, Second & Third Floors, Market Square, Northampton

Development: Change of Uses previously granted under planning to incorporate Flexible Retail Use on Level One, a Pod Hotel on Level 2 and new Residential Uses on Levels 2 and 3 with additional new built Levels 4 and 5 to provide solely Residential Accommodation

Applicant: Safeland Plc

Agent: Award Design Ltd

Case Officer: Nicky Scaife

Ward: Castle Unitary Ward

Referred By: The report is referred by the assistant Director – Planning and Development

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT 'APPROVAL IN PRINCIPLE' subject to conditions as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary and subject to the completion of a Section 106 Agreement to secure provision for the following:

- 35% affordable housing (contribution for off-site provision)
- Early Years ' Education – financial contribution (subject to further confirmation of requirement by Education section)
- Primary Education – financial contribution
- Healthcare – financial contribution
- Construction Training/ Social Value – training scheme and financial contribution
- Air Quality
- Council's Section 106 Monitoring fee

Proposal

The application proposes the change of uses previously granted under planning to incorporate retail use on Level One, a Pod Hotel on Level 2, new residential accommodation

at levels 2 and 3 with additional new built levels 4 and 5 for further residential accommodation and external alterations to both the Abington Street and Market Square elevations.

Consultations

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

- Town Centre Conservation Area Advisory Committee (TCCAAC)
- Northampton Town Council
- Town Centre Management

The following consultees have raised **concerns** regarding the application:

- Conservation

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

- Environment Agency
- Anglian Water
- Northants Fire and Rescue
- Archaeology
- Environmental Health
- Ecology
- Construction Futures
- Development Management (North Northants)
- NHS Integrated Care Board
- Housing Strategy

1 no. letter commenting on the application 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
- Design and Heritage Impacts
- Residential Amenity
- Neighbouring Amenity
- Highways
- Other Matters
- Affordable Housing and Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons.

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 located in a prominent Town Centre location on the eastern side of Market Square and the northern side of Abington Street, with access to the centre on both streets. The site comprises a 3-storey shopping centre with retail floorspace at ground and first floor levels and the second floor used as ancillary storage space for the retail units. The lower ground floor is accessed from Market Walk, and due to levels difference the upper ground floor accessed via Abington Street. The roof of the shopping centre forms the delivery floor with access through the neighbouring shopping centre, the Grosvenor Centre.
- 1.2 The whole of the shopping centre is currently vacant with a number of the units having been vacant for a significant period of time.

2 CONSTRAINTS

- 2.1 The Market Square frontage is within the All Saints Conservation Area.
- 2.2 A number of Listed and Locally Listed Buildings are situated adjacent and close to the site surrounding the Market Square, in particular Beethoven House, a Grade II* listed building adjoins the site and Welsh House, a Grade II listed building is situated to the north of the site.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 Planning consent is sought for the proposed change of the existing Market Walk shopping centre to incorporate an open plan retail use on Level 1, a Pod Hotel on Level 2, new residential accommodation at levels 2 and 3, the removal of existing buildings at roof level with additional new build levels 4 and 5 for further residential accommodation and external alterations to the Abington Street elevation. Limited alterations to areas of glazing are proposed to the Market Place elevation. The whole of the atrium from Market Square and the centre octagonal atrium would be removed and replaced with new structural floors and a central courtyard garden created overlooked by some of the proposed apartments
- 3.2 The retail use space at Level 1 would be accessed directly from the Market Square frontage and would provide approx. 3000sq.m of internal floorspace. The area would also be accessed from the Abington Street frontage via a glazed entrance and stairwell and lift access down to this lower floor. This use would fall under Class E(a) of the Town and Country Planning (Use Classes) Order 197 (as amended).
- 3.3 The proposed Pod hotel would be located on Level 2 of the development and would provide 92 no. pods/rooms. Access would be from the Abington Street frontage via a dedicated hotel entrance where a reception/check in area would be located. Each pod/room would operate independently and would have an en-suite shower room with double bed and storage space with each standard room/pod measuring approx. 10sq.m. The pod/rooms would not have windows. A café/ lounge area would be located centrally within the Pod hotel with ancillary office/ facilities/ security rooms and service areas.
- 3.4 The proposed residential accommodation would comprise of 45 no. apartments and 3 guest 1-bedroom suites incorporated partly within the existing building with further residential accommodation proposed in a 2-storey addition to the existing building set back from the Market Place elevation and extending back into the site and towards

the Abington Street section of the building. Separate entrances to the residential units would be provided from both the Market Square and Abington Street with internal lift access to all floors.

3.5 The proposal would provide the following type of accommodation over 4 of the 5 building levels.

- 36 no. 1 bed units.
- 5 no. 2 bed units.
- 3 no. 2 bed, duplex units.
- 1 no. 3 bed duplex unit.
- 3 no. 1 bed suites that would be used for guests associated with residents of the proposed apartments only (i.e. an ancillary use only).

3.6 The proposal forms two distinct themes, the change of use of the existing shopping centre and the creation of two additional floors (4 and 5) which would form new build development to provide new residential accommodation. The residential accommodation would also provide storage units, cycle storage and a resident's gym.

3.7 The scheme as originally submitted proposed alterations to the design and appearance of the Market Square elevation of the building. Following significant discussions with officers, whereby concerns were raised regarding the proposed design, the scheme has subsequently been amended to retain the existing Market Square façade.

4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
WNN/2021/0414	Partial demolition and conversion of shopping centre and construction of three storey extension to provide student accommodation comprising of 352no bedrooms and bed spaces (mix of studio and cluster types), retention of 2no retail units at lower ground floor level (Use Class E) and 1no retail unit at upper ground floor level (Use Class E) with alterations to Market Square and Abington Street Facades.	Refused 06/05/2022
N/2020/0198	The conversion of the upper ground floor and first floor level and the construction of a 3-storey extension above to provide student accommodation comprising 355no student bedrooms and bedspaces (mix of cluster and studio types). The removal of four existing units at lower ground floor level and the insertion of two new units within a flexible use of A1 and A3 (shops and restaurants). The change of use of all existing units at ground floor to a flexible use of A1	Refused 24/07/2020

	(shop) and A3 (restaurant). The provision of one retail (use class A1) unit fronting Abington Street at upper ground floor level. Alterations to Market Square and Abington Street façades.		
N/2019/1356	Removal of existing internal unit division to create open floors at ground and first floor. Change of use of open ground and first floors to flexible multi-class uses of retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), drinking establishment (Use Class A4) and hot food takeaway (Use Class A5) inclusive and Leisure (Use Class D2). Change of use of second floor from Retail (Use Class A1) to Hotel (Use Class C1). Alteration to shop front on Abington Street and part removal of atrium roof at roof level.	Approved 15/05/2020	–
N/2016/1693	Change of use of units within Market Walk Shopping Centre from retail (use class A1) to a flexible use within classes A1 (retail), A2 (financial and professional services), A3 (restaurant/café), and A4 (drinking establishment).	Approved 30/03/2017	–

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 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Central Area Action Plan (2013).
- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects 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, in respect to any buildings or other land in a conservation area, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.5 Development Plan

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 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, and the Northampton Central Area Action Plan 2013. The relevant planning policies of the statutory Development Plan are set out below:

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

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

- S1 – The distribution of development.
 - S2 – Hierarchy of centres.
 - S3 – Scale and distributions of housing development.
 - S10 – Sustainable Development principles.
 - C2 – New developments.
 - H1 – Housing density and mix and type of dwellings.
 - H2 – Affordable Housing
 - BN5 – Historic Environment.
 - BN9 – Pollution Control.
 - BN7 – Flood Risk
 - INF 1 and 2 – Infrastructure delivery.
 - N1 – The Regeneration of Northampton.
- Northampton Central Area Action Plan 2013 (CAAP)
 - 1 – Promoting design excellence.
 - 12 – Primary shopping area.
 - 13 – Improving the retail offer.
 - 16 – Central area living.

5.6 Material Considerations

Below is a list of the relevant Material Planning Considerations

- 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 8 - Promoting healthy and safe communities.
 - Section 9 - Promoting sustainable transport.
 - Section 12 – Achieving well designed places
 - Section 16 – Conserving and enhancing the natural environment
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out Crime in Northamptonshire SPG 2004

- All Saints Conservation Area Appraisal and Management Plan 2007
- A Character Assessment and Tall Buildings Strategy for Northampton's Central Area.
- 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).

On 3rd February 2023, the Council received the Inspector's Final report which concluded that the Plan is legally compliant and sound, subject to Main Modifications being made. The policies therein are therefore considered to carry significant weight.

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 following policies are considered of relevance to this application:

- 1 – Presumption for sustainable development
- 2 – Placemaking and Design
- 4 – Amenity and layout
- 8 – Supporting Northampton Town Centre's role
- 9 – Regeneration opportunities in the central area
- 12 – Development of main town centre uses
- 21 – Residential development on upper floors
- 31 – Protection and enhancement of designated and non-designated heritage assets

6 RESPONSES TO CONSULTATION

6.1 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
Conservation	Raise concerns	<p>Comments on original scheme (re-designed Market Square frontage):</p> <p>Market Walk occupies a prominent position on Market Square and is adjacent to historically important listed buildings, Beethoven House (listed grade II*) and Welsh House.</p> <p>Northampton Market Square lies within All Saints Conservation and is acknowledged as one of the key spaces within the conservation area.</p> <p>The current building is not of any historic / design merit, but it lies in a key location</p>

		<p>within the Market Square with significant enhancement potential.</p> <p>The Abington Street entrance lies just outside the All Saints Conservation Area in close proximity to some historically significant buildings.</p> <p>The proposed development is in a highly sensitive location within the Market Square – with the Market Square itself due to have a major public realm regeneration scheme. Any new development should be of high quality and actively enhance the Market Square rather than taking the low bar of providing a building of similar quality to the existing.</p> <p>It is understood that the proposed development is a re-use and modify scheme for the existing building rather than a demolition and rebuild.</p> <p>In this context it is considered that of the two options put forward by the Building Frontages Appraisal the former option of 'replacing with frontage using contemporary language construction with traditional materials (eg stone, brick, render) would be preferable to the restoration of the previous buildings on the site.</p> <p>The design will need to be of high quality and take its design cues from the buildings on the surrounding square. There should be a sense of rhythm and differentiation between different elements of the building. Detailed analysis is provided in the Building Frontages Appraisal document.</p> <p>There are no objections to the re-development of the existing building which is not considered to make a positive contribution to its historic setting (All Saints Conservation Area and setting of listed buildings).</p> <p>The opportunity to provide a high quality design for the replacement / remodelled building has not been fully realised and therefore the public benefits of the scheme are significantly reduced.</p>
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		<p>A high quality development which enhances its historic context is required.</p> <p>Comments on amended scheme (retaining existing Market Square frontage):</p> <p>The proposal to retain this façade will result in no physical change, but is an opportunity missed for the re-development of this site. The opportunity has not been taken to enhance or better reveal the significance of the Market Square (NPPF para 206)</p> <p>There is the additional issue of the increased height of the proposed development which will be clearly visible from Abington Street and will be visible in distance views across Market Square. There is no benefit to balance against the harm as the design of the building frontage is not changing.</p> <p>There are remaining concerns from a heritage perspective with the proposed scheme.</p>
Historic England	No comments to make	
Northampton Town Council	Objection.	<p>Northampton Town Council's Planning Committee commented this would be a major development of the town centre and was concerned how this development will fit into the town centre. Furthermore, committee object to the application due to highway implications, specifically how residents of the proposed complex would incur a daily fee to park within one of the overnight car parks. Another objection was due to over development.</p>
Northampton Town Centre Conservation Area Advisory Committee (NTCCAAC)	Objection.	<p>Additional floors create a building out of proportion with other buildings. The frontage offers little interest – design concerns. Density of units and increase in traffic a concern.</p> <p>Question demand for flats in town centre (including downsizing for older occupants).</p> <p>Compatibility of mix of uses proposed? Has demand for hotel accommodation been demonstrated?</p> <p>Concerned over height of development.</p>

		<p>Further drawings required to assess increased scale from various vantage points.</p> <p>Commenting on amended scheme – Concerned no effort has been made to improve the Market Square and Abington Street frontages. Object to the addition of new built levels 4 & 5. Consider it will be visible from Market Square .</p>
Archaeology	Comments received	The proposals do not involve new excavations/ groundworks. No comments to make.
Environmental Health	Comments received.	<p>No objection subject to conditions in respect of:</p> <p>Construction and Environmental Management Plan (CEMP)</p> <p>Air quality mitigation.</p> <p>Refuse storage and management strategy</p> <p>Noise and odour mitigation</p> <p>Ventilation details</p>
Highways	Comments received	No comments to make other than the Travel Plan has been approved.
Environment Agency	No comments to make	
Anglian Water	No objection.	Subject to conditions in respect of submission and approval of Foul and Surface Water Drainage schemes.
Lead Local Flood Authority (LLFA)	No objection.	Subject to conditions for the submission and approval of a surface water management strategy and verification/approval of installed drainage system.
Northamptonshire Police	No comments received.	
Ecology	No comments to make.	
Town Centre Management	Objection.	The reference to an indoor market should be removed. No other market can take place within six and two thirds of a mile of the existing Northampton Market as a result of the Royal Charter.
Northants Fire and Rescue	Comments received.	<p>Strongly recommend installation of sprinklers.</p> <p>Concerns of fire appliance vehicle access.</p>

Housing Strategy	Comments received.	Note the development proposed 35% affordable housing. The application does not provide the tenure split of the 16 affordable units and the quantum of rented properties (social or affordable) and/or low-cost home ownership properties (such as shared ownership) will need to be provided. Would ordinarily seek provision on-site but flatted developments are recognised as not being practical for such provision. An off-site affordable housing contribution in lieu of on-site affordable should be considered in this instance.
NHS – Northamptonshire Integrated Care Board	Comments received	Confirm there is insufficient capacity in the local primary healthcare system to absorb development of 45 apartments. Seek financial contribution towards infrastructure support to ensure new population has access to good quality primary healthcare services.
Development Management North Northants	Comments received.	Financial Contributions sought towards: Early Years Education (subject to further assessment) Primary education Libraries
Construction Futures	Comments received.	Request Social Value Contribution

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 Following comments received from the Northampton Together Civic Society:

- Support the application in terms of the Pod Hotel and the apartments and believe that these shall make a positive contribution to the town centre. In addition to contributing to the need for providing new homes in the town, the hotel should also assist in bringing visits to the area in an affordable and innovative way.
- Find the Abington Street frontage an attractive façade that is both contemporary and also in keeping with the current surroundings and one that is entirely appropriate for its position.
- With regards to the usage on the ground floor level, believe at least the front of the building should be used for the purposes of socializing and leisure such as by installing a coffee shop, restaurant, or lounge.
- As the west facing site benefits from a lot of afternoon and evening sunshine, it would be a great place to sit and observe the coming and goings on the square and admire the attractive buildings particularly on the opposite and south sides of the square. In the warmer months it would allow outdoor tables and chairs to

add a café society ambience to the square and would create a “destination” where people want to go at the heart of the town centre.

- Possibly other areas of the ground floor would serve as the suggested indoor market although alternatively it might once again add more benefit if a multipurpose function room or rooms was created that could serve partly as an indoor market, but also with the capability and capacity to act as a space for other activities.
- On an historic note, some form of hostelry or eatery would be appropriate to the site because of its long association with the Peacock Hotel that stood on the same site for many centuries.
- Taller windows along the Market Square frontage would allow more natural light to extend further into the rooms which would benefit the interior and additionally a consistent window size on the exterior would be more in uniform architecturally and most in line with the former 17th century Hotel (and most other buildings on the square that exist). Overall, we believe this modification would be beneficial for all aesthetically and more profitable for the applicants in terms of revenue.
- Although the current proposal (and also previous suggestions) is an attractive design and has obviously been carefully considered, we believe that it is not currently the most appropriate design for this significant and prominent position within the town and additionally within the All Saints Conservation area.
- The proportions and design are pleasing, and we note have been devised with Beethoven House being carefully considered. However, we find that although they do not necessarily detract from the location, nor the various Grade I and II buildings on the Square and beyond, neither does it enhance the area nor contribute to the aesthetic of this potentially premium location in the town. We note that comments from the Conservation officer and English Heritage appear to concur with our view that the design is not offensive, but neither is it inspired nor a positive contribution to this important location that has the possibility to warrant national importance.
- The Market Square is currently subject to plans for major multi million pound improvements, we see this as the ideal time to maximise the potential for both projects, and if possible, consider both the plans in unison.

7.2 One comment received from a 3rd party is summarised as follows:

- Agree empty shopping areas should be put to good use
- Good that this offers first time buyers and older people (*accommodation*) as opposed to student flats but not happy about Pod hotel or Electric bikes.

8 APPRAISAL

Principle of Development

8.1 The NPPF states planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities are encouraged to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

8.2 Policy N1 of the JCS supports the regeneration of Northampton with a focus on the Town Centre for office, retail, leisure and service development. Policy 16 of the Central Area Action Plan supports the provision of residential accommodation within the Central Area.

- 8.3 The principle of a loss of an element of retail floorspace and the use of part of the building as a Pod hotel with units of a similar nature to those proposed under this application has previously been established through the grant of planning permission N/2019/1356 which remains an extant permission.
- 8.4 One of the objectives of the Central Area Action Plan is to not only bring people into the town centre in the evenings and at weekends but also draw a more diverse mixture of people into the centre and, in particular, make them remain for a longer period to consolidate and contribute to the success of the area. As part of the wider regeneration agenda, there is potential to accommodate additional demand for a variety in the type and size of hotels within the Central Area. Hotels are viewed as a main town centre use. In line with this it is considered that the provision of a pod hotel remains acceptable in principle.
- 8.5 With the high vacancy rates within the Market Walk Shopping Centre, and the length of time that these high vacancy rates have been in occurrence within this site, it is considered that the proposed flexible use of the site would provide an opportunity to bring this building back into a meaningful use. Concerns regarding the proposal for an Indoor Market and the conflict with the proximity of the existing market have been noted and the application subsequently amended such that the ground floor (Level 1) is now proposed as a flexible retail use area which would retain an active frontage onto the Market Square.
- 8.6 With regards to the proposed residential accommodation, the proposal would result in an increase in the number of people residing within the town centre, which is consistent with the strategic objectives of the CAAP, which calls for the repopulation of the town centre and would add to the Council's housing land supply. As such, this would support the provision of a mixture of house types across the Borough, as required by the NPPF.
- 8.7 The proposed uses are all appropriate uses to find within a town centre location, and provide the opportunity to increase the vitality and viability of the town centre through providing uses to attract visitors to the town centre and provide an element of residential accommodation. As such, the principle of the development and uses proposed is considered to accord with policy requirements and is considered acceptable.

Design and Heritage Impacts

- 8.8 The Market Square façade of the building occupies a prominent position within the Market Square and All Saints Conservation Area and is both adjacent to and surrounded by historically important buildings located within the square.
- 8.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a Listed Building or its setting. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 8.10 Section 12 of the NPPF promotes the creation of high quality, beautiful and sustainable buildings and places as a fundamental element of planning. Paragraph 197 of the NPPF requires Local Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 206 requires Local Authorities to look for opportunities for new

development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

- 8.11 Paragraph 199 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight to be given to the assets conservation. Paragraph 200 states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states 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.
- 8.12 Policies S10, H1 and BN5 of the JCS, Policy 1 of the Central Area Action Plan and emerging Policies 2 and 31 of the Northampton Local Plan Part 2 reflect the aims of the NPPF in seeking to ensure high quality design in new development and the preservation and opportunity for enhancement of the setting of heritage assets.
- 8.13 The scheme as originally submitted proposed significant alterations and a re-design/re-construction of the elevation fronting the Market Square including removal of the existing large areas of glazing and replacement with a new solid brick façade and altered fenestration details, alterations to the vertical proportions of the building, and alterations to the existing ridge heights removing the existing variation in ridge heights providing a predominantly level ridge line.
- 8.14 Whilst officers welcome the opportunity to improve and enhance the Market Square façade of the building, particularly with regard to the potential enhancements this would bring to the proposed regeneration of the Market Square as a whole, the design of the scheme as submitted was not considered to represent a high quality design that would make an overall positive contribution to the setting of the Conservation Area or the adjacent and surrounding listed buildings.
- 8.15 Comments received from the Conservation Officer advise that the opportunity to provide a high quality design for the replacement / remodelled building has not been fully realised and therefore the public benefits of the scheme are significantly reduced. A high quality development which enhances its historic context is required.
- 8.16 Despite considerable negotiations between officers and the agent in respect of seeking improvements and amendments to the design in order to achieve an acceptable high quality design for the scheme, the scheme has subsequently been amended removing the proposed re-design and retaining the existing Market Square façade of the building with minor alterations to the existing glazing and retaining the existing varied ridge heights along this frontage element of the building. As existing, whilst the Market Walk shopping centre is not of any historic merit, the building follows the pattern of development on Market Walk to appear as a row of properties with ridge height and window proportions to compliment the surrounding historical properties. The building as a whole respects the character of the surrounding historic buildings and Conservation Area and does not appear dominating and obtrusive within the street scene. As such, it is considered this element of the scheme is acceptable.
- 8.17 In respect of the Abington Street elevation, the proposal includes the removal of the existing expanse of glazing above the shopping centre entrance and replacement with a solid rendered elevation with smaller fenestration detail and an increase in the height of the gable above the existing ridge line and a replacement canopy onto Abington Street at ground level. A pitched roof is proposed above an existing flat roof

section to the right of the entrance to match the existing pitched roof elements of the building. The proposed alterations are considered an enhancement to this elevation.

- 8.18 The proposal includes the addition of a two floors to provide residential accommodation appearing as a flat roof structure. The lower part of this addition (Level 4) would sit behind the existing pitched roofs facing Market Square with the proposed Level 5 visible above the pitched roofs but set back from the existing building frontage. These additions would extend back over the existing building towards the Abington Street entrance. The proposed addition would be set back approximately 3.6 metres from the Market Square frontage.
- 8.19 Both the Conservation Officer and Town Centre Conservation Area Advisory Committee have raised concerns regarding these proposed additions. Whilst the concerns are noted, and it is acknowledged the structure would be visible from the north western corner of the Market Square and from parts of Abington Street, the structure would be visible as a single storey addition from Market Square, set back from the predominant existing building frontage and viewed in the context of adjacent taller buildings. Views from Abington Street would be in the context of the surrounding buildings which are more modern in appearance.
- 8.20 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 In view of the above, it is not considered that significant visual harm could be demonstrated and any harm must be weighed against the benefits of bringing a prominent vacant building within the Town Centre back into use and the potential to increase the vitality and viability of the area, whilst providing additional housing and contributing towards affordable housing need. These considerations are considered to weigh in favour of the proposal.

Residential Amenity

- 8.22 The proposal includes the provision of 45 residential units comprising a mix of 36 x 1-bedroom units with 8 x 2-bedroom apartments and 1 x 3-bedroom apartments, including 4 duplex apartments, situated over four levels including the addition of two new levels on the existing roof. A number of separate storage units for residents are also proposed on Level 3 along with a resident's gym.
- 8.23 In respect of proposed internal floorspace the proposed units are all in excess of the Nationally Described Space Standards and would be provided an acceptable level of outlook and light from either existing or proposed window openings. The proposal includes the use of solar tubes from Level 5 to Level 4 to provide additional lighting to the areas below.
- 8.24 A number of units would overlook an internal courtyard/ atrium area, however the distance between habitable room windows and any opposing wall would be in excess of 21m. As such, it is considered a reasonable standard of outlook and light to these apartments would be achieved.
- 8.25 The proposal includes lift access to all floors with refuse storage provision on all floors for residential use and separate refuse storage areas proposed for commercial use. The refuse collection is proposed from Level 4. A condition for a Waste Management

Strategy is proposed to ensure appropriate management of refuse and recycling for both residential and commercial waste.

- 8.26 In respect of the POD hotel, the proposed pods comprise of small rooms, approximately 10m², with no windows. This arrangement and type of accommodation has previously been accepted under application N/2019/1356. Occupiers of the hotel rooms would be more transient in nature and for shorter periods of time in comparison. A communal café and lounge area is proposed to provide additional amenity space for proposed occupiers.
- 8.27 The proposed residential accommodation would be completely separate from the hotel use with separate entrances proposed to the residential accommodation and hotel element.
- 8.28 Environmental Health have been consulted on the proposed scheme and recommend conditions in respect of refuse storage management, noise and odour mitigation (in respect of the commercial uses) and ventilation details. These are considered appropriate and reasonable to ensure an appropriate level of residential amenity is secured.

Neighbouring amenity

- 8.29 The application site is located within the Town Centre, and as such the majority of neighbouring units are commercial in nature. There are, however, residential units within upper floors of some of the neighbouring units. Whilst the application site adds windows and intensifies the use of the existing windows which are largely obscure, it is not considered that the outlook from these windows would result in an unacceptable relationship with existing properties in respect of a town centre location, with sufficient distance retained between these windows and neighbouring windows.

Highways

- 8.30 The proposal does not provide any on-site car parking other than one disabled space on Level 4. This would be accessed via the existing Grosvenor Centre car park along with the three adjacent parking bays for service vehicles.
- 8.31 The proposal includes the provision of cycle storage comprising 100 spaces for residential occupiers on Level 4 along with separate cycle storage provision for non-residents. Specific details of the cycle storage would be agreed by condition to ensure secure provision is provided.
- 8.32 The application is supported by a Transport Assessment and Travel Plan. The Transport Assessment acknowledges the sustainable location of the site within the Town Centre and the opportunity to encourage and promote sustainable transport methods. The assessment concludes that the proposed development would have negligible impacts on the highway network. The Highway Authority has been consulted and raise no objection to the proposal.

Other matters

- 8.33 The Environment Agency, Anglian Water and the Lead Local Flood Authority have been consulted in respect of drainage matters. No objections are raised subject to conditions to approve detailed foul and surface water drainage schemes and appropriate maintenance.

- 8.34 Environmental Health request a condition in respect of a Construction and Environmental Management Plan which is considered appropriate to ensure appropriate mitigation and control of impacts on surrounding amenity and commercial uses and the function of the Town Centre during construction.
- 8.35 The Fire and Rescue Service make recommendations with regards to sprinklers and fire service access. These matters would be covered under Building Regulations to ensure appropriate provision is made.
- 8.36 The proposal includes the provision of sedum roofs integrated throughout the development and solar panels on the commercial bin storage areas on Level 4. These are considered to make a positive contribution towards providing a more sustainable development.
- 8.37 In respect of ecology impacts, the Ecology Officer has been consulted and raises no concerns.

Affordable Housing and Planning Obligations

- 8.38 The proposal includes the provision of 45no. apartments. As such, the provision of affordable housing as outlined under Policy H2 of the JCS is relevant. This policy requires the provision of 35% affordable housing provision (equivalent to 16 no. units) which should be provided for onsite and if not possible, provided for offsite or a financial contribution as a last resort.
- 8.39 Housing Strategy have been consulted and advise that in this instance, whilst on-site affordable housing would ordinarily be the priority, flatted developments are recognised as not being practical for such provision. Therefore, an off-site affordable housing contribution in lieu of on-site affordable would be secured by way of a Section 106 Legal Agreement in this instance.
- 8.40 Development Management (North Northamptonshire) have requested a contribution towards libraries. West Northamptonshire Council Northampton Area have no policy basis for requiring these and as such this would not be reasonable to secure.
- 8.41 Development Management (North Northamptonshire) request a financial contribution towards education contributions, specifically early years and primary education which is considered to be an appropriate material consideration in relation to the current proposal. Secondary Education would be subject to CIL. The development would be CIL liable in respect of new build floorspace associated with the development.
- 8.42 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.
- 8.43 Northamptonshire Integrated Care Board (NHS) has been consulted on the proposal and has outlined a request for a financial contribution to improve existing healthcare provision in the locality to cater for the increased level of residents as a result of the development proposal. Such a request is considered to be an appropriate material consideration in the assessment of the current proposal.
- 8.44 A contribution towards Air quality mitigation based on the submitted damage cost calculation within the submitted Air Quality Assessment has been requested by Environmental Health in order to offset any potential Air Quality mitigation measures needed as a result of the proposal. This is considered reasonable to secure.

- 8.45 As part of the submission, the applicant has indicated that they accept the planning obligations as requested and have not submitted any evidence to suggest that the securing of such obligations would render, the scheme unviable in any way. As such, the proposal would secure policy compliant affordable housing and would secure sufficient infrastructure improvements to cater for the increased demand in services as a result of increased levels of residential accommodation in the town centre. As such, the proposal is considered appropriate in this regard.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal would bring a prominent and vacant site within the Town Centre and All Saints Conservation Area back into use providing a range of commercial and residential uses that would contribute towards the vitality and viability of the Town Centre whilst providing residential accommodation that would contribute towards the Council's 5 year housing supply and allowing for provision for off-site affordable housing. On balance, it is considered the proposed alterations to the building would not lead to an unacceptable impact on heritage assets when weighed against the public benefits of the scheme. In addition, it is not considered the proposal would lead to any adverse impacts in respect of surrounding amenity, highway conditions or drainage. As such the proposal is considered to accord with the relevant planning policies and is considered acceptable.

11 RECOMMENDATION AND REASON

- 11.1 The proposed development is recommended for approval in principle, subject to the completion of a Section 106 Legal Agreement and the following conditions:

Time period – Implementation

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 schedule of approved plans attached.

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

Construction Environmental Management Plan (CEMP)

3. No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.
- vii) Details of on-site storage, site offices and facilities
- viii) Demolition methods.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

Foul Drainage

- 4. Prior to any above ground works as scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and BN7 of the West Northamptonshire Joint Core Strategy.

Surface Water Drainage

- 5. Before any above ground works commence, full details of the surface water drainage scheme for the site, based on sustainable drainage principles, will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) details of how the scheme achieves benefits via sustainable drainage principles;
- ii) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures.
- iii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iv) cross sections of any control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all flow control devices

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

Surface Water Verification

- 6. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved drainage design, has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken
- d) Copies of any Statutory Approvals, such as Anglian Water approval for discharge to sewer
- e) CCTV Confirmation that the system is free from defects, damage, and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in accordance with the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

Ventilation

7. Notwithstanding the submitted details, prior to commencement a ventilation scheme for the proposed development in respect of the proposed hotel and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority.

The proposed ventilation scheme shall ensure the following:

- i) Be capable of providing air changes at volumes equivalent to an open window for the purposes of rapidcooling 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.

The development shall be carried out in accordance with the approved details prior to occupation and be retained as such throughout the lifetime of the development.

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

Noise

8. Notwithstanding the submitted details, prior to occupation a scheme shall be first submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on and surrounding the site whether from fixed plant or equipment or noise generated within the building or surrounding buildings and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of proposed and nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Odour

9. Prior to the occupation of development a scheme for the collection, treatment and dispersal of cooking smells and fumes associated with any commercial uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first use of the premises for commercial use and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Waste Management Strategy

10. Notwithstanding the submitted details, prior to the first use of the development hereby permitted a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following details:
- i) a workable and reasonable route for occupiers to carry their waste to the bin store;
 - ii) a management plan for collection of refuse from the bin store and arrangements for moving the bins in and out before and after collection and access for refuse vehicles to the site;
 - iii) a management plan for cleaning and maintaining the bin stores;
 - iv) Conveyance routes for all uses inside the building to refuse stores.

Parking

11. The parking and turning, servicing space shown on the approved plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that appropriate provision is made for parking associated with the servicing of the site and to ensure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

Cycle Storage

12. Notwithstanding the submitted details, full details of facilities for the secure and covered parking of bicycles for both residential and non-residential use 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 S10 of the West Northamptonshire Joint Core Strategy.

Travel Plan

13. The development will be carried out and operate in accordance with the recommendations and proposed Action Plan of the submitted Framework Travel Plan dated January 2022 by Trace Design .

Reason: To ensure a satisfactory standard of development and in the interests of encouraging sustainable transport in accordance with the aims of Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

Materials

14. Notwithstanding the submitted details, 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 1 of the Northampton Central Area Action Plan.

Obscure Glazing

15. Notwithstanding the submitted details, full details of the extent of proposed obscure glazing to the Market Square elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of any of the residential units fronting onto Market Square.

Reason: To ensure as satisfactory appearance and in the interests of residential amenity in accordance with the aims of Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

Guest Suites

16. The proposed 3 no. residential suites as shown on Level 3, drawing reference MW-RS2-AGP03 shall remain ancillary to the residential apartments hereby permitted and at no time shall they form a separate planning unit.

Reason: For the avoidance of doubt as the units are of an insufficient size and layout to form a separate planning unit in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

Restriction within Use Class

17. The premises, in respect of Level 1, shall be used as Use Class E(a) or E(b) only and for no other purpose (including any other purpose in Class E of 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 and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Policy S10 and S9 of the West Northamptonshire Joint Core Strategy.

HIMO

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the residential units hereby permitted shall be used only for purposes within Class C3 of 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 and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.



**West
Northamptonshire
Council**

Title: **Market Walk Shopping Centre, Market Square**

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Drawn: M Johnson