



Planning Committee Report

Application Number: WNN/2023/0324

Location: 123-135 Bridge Street, Northampton, NN1 1QF

Development: Outline Planning Application except layout, scale and access for construction for the provision of up to a 6 storey building providing 104no 1, 2 & 3 bedroom Flats and Apartments (Use Class C3), Commercial Development (Use Class E (a,b,c,d,e,f,g(i))), and associated ancillary infrastructure

Applicant: MHB Planning Ltd

Agent: MHB Planning Ltd

Case Officer: Samantha Taylor

Ward: Castle Unitary Ward

Reason for Referral: Major Development

Committee Date: 3 August 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

Outline Planning Application except layout, scale and access for construction for the provision of up to a 6 storey building providing 104no 1, 2 & 3 bedroom Flats and Apartments (Use Class C3), Commercial Development (Use Class E (a,b,c,d,e,f,g(i))), and associated ancillary infrastructure.

Consultations

The following consultees **object** to the application:

Northampton Town Centre Conservation Areas Advisory Committee

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

Highways, Archaeology, WNC Environmental Health, Anglian Water, Environment Agency, Crime Prevention Design Advisor, NHS England, Construction Futures, NNC Development Management

One letter of support was received, one letter with comments and two letters of objection.

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 6 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Residential and Neighbour Amenity
- Crime Prevention
- Flood Risk and Drainage
- Archaeology
- Section 106, Developer Contributions and Affordable Housing

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 THE PROPOSAL

- 1.1 The application seeks outline planning permission, with all matters reserved except for access, layout and scale for the proposed construction of a mixed use building of 6 storeys, comprising of 104no. residential apartments (Use Class C3), commercial development at ground floor level (Use Class E(A, b, c, d, e f, g(i)), with associated car parking and associated ancillary infrastructure.
- 1.2 The layout plans showing the layout of each floor. As such, the residential development would be a mix of 59no. 1 bedroom apartments, 44no. 2 bedroom units and 1no. 3 bedroom unit. Commercial development of 560sqm would be provided at ground floor level, along with a total of 36no. parking spaces in an undercroft parking area. Three vehicle access points to the site are proposed comprising an access serving the main parking area from Cattle Market Road, a vehicular access to the refuse store/plant room from Navigation Row, and an access from Bridge Street to a service yard.

2 SITE DESCRIPTION

- 2.1 The application site is a rectangular shaped parcel of land, extending approximately 0.32ha. The site shares boundaries with Bridge Street to the west, Cattle Market Road to the east, Navigation Row to south and The Malt Shovel Public House and existing commercial development to the north.
- 2.2 The site contains two currently closed restaurants, parking area and a car and van rental unit. To the north of the site is the Malt Shovel Public House and Europcar (car rentals). To the east lies Morrison's Supermarket. To the south east are residential properties. Directly to the south of the site are disused commercial properties and to the west lies the Carlsberg UK Head Office and Brewery. The site is located to the south of Northampton Town Centre.

3 CONSTRAINTS

- 3.1 The application site is located within Flood Zone 3.

4 RELEVANT PLANNING HISTORY

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

WNN/2023/0325 - Outline Planning Application with all matters reserved except layout, scale and access for construction of up to 6 storey building providing up to 66no one, two and three bed Flats and Apartments (Use Class C3), Commercial Development (Use Class E(a,b,c,d,e,f,g(i))) and associated ancillary infrastructure – 153-165 Bridge Street – Current application.

The application, which is the subject of this report, is linked with the above application, which is on the adjacent site and has been submitted from the same applicant. The current application is referenced as the north block, with the above development being referenced as the south block within the application supporting documentation.

- 4.2 N/2020/1474 - Outline planning application with all matters reserved except layout, scale and access for construction of up to 112no. one, two and three bed flats and apartments (Use Class C3), commercial development (Use Class E(a, b, c, d, e, f, g(i))) and associated ancillary infrastructure – 123-135 Bridge Street – Refused

N/2020/1497 – Outline planning application with all matters reserved except layout, scale and access for construction of up to 66no. one, two and three bed flats and apartments (Use Class C3), commercial development (Use Class E(a, b, c, d, e, f, g(i))) and associated ancillary infrastructure – 153-165 Bridge Street – Refused

The above applications were presented to the former Northampton Area Planning Committee in December 2022. The applications were for similar developments to those currently under consideration, albeit with a slightly higher total number of apartments. The Officer Report recommended approval, subject to conditions. Members voted to refuse the applications on the following grounds:

‘The proposed scale and density of development would adversely impact upon the character and appearance of the nearby All Saints Conservation Area and would also result in an incongruous addition within the immediate street scene that fails to enhance the urban landscape it sits within. The proposal would thereby fail to conform with Policies S10, H1 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and emerging Policy 2 of the Northampton Local Plan Part 2 and advice within the National Planning Policy Framework’

Appeals have been submitted in relation to the above refused applications and are currently in progress.

5 RELEVANT PLANNING POLICIES AND CONSIDERATIONS

5.1 Statutory Duty

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

5.2 Development Plan

- West Northamptonshire Joint Core Strategy Local Plan (Part 1) – Policies
 - Policy S1 – The Distribution of Development
 - Policy S3 – Scale and Distribution of Housing Development
 - Policy S10 – Sustainable Development Principles
 - Policy C2 – New Developments
 - Policy H1 – Housing Density and Mix and Type of Dwellings
 - Policy H4 - Sustainable Housing
 - Policy RS5 – Development of Main Town Centre Uses
- Northampton Local Plan Part 2
 - Policy SD1 – Presumption in Favour of Sustainable Development
 - Policy Q1 – Placemaking and Design
 - Policy Q2 – Amenity and Layout
 - Policy Q5 – Flood Risk and Water Management
 - Policy HO1 – Residential and Other Residential Led Allocations
 - Policy HO2 – Type and Mix of Housing
 - Policy MO4 – Parking Standards

5.3 Material Considerations

- National Planning Policy Framework (NPPF)
- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards
- Planning Out Crime in Northamptonshire

6 **RESPONSE TO CONSULTATIONS**

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
Northampton Town Centre Conservation Areas Advisory Committee	Object	Objects to the proposed development due to the adverse impact on the setting of the Conservation Area and long views of the historic town centre from the south of a 6 storey building.
WNC Archaeology	No objection – subject to conditions	The application is in an area known to have been a settlement in use by the early 17 th Century. The 1610 plan shows Bridge Street running from the south gate to the south bridge lined with buildings, with a similar map in 1746 shows the street occupied in a similar way. Whilst more contemporary development may have caused truncation to the archaeological assets. Recommends a condition for securing a programme of archaeological work should planning permission be granted.

WNC Environmental Health	No objection – subject to conditions	<p>Whilst a Noise Report and addendum has been submitted, the data is considered insufficient as the Noise Report was conducted during 2020 when Covid was happening and the addendum covers October 2022 in relation to the Malt Shovel only. A condition is recommended securing an updated noise survey.</p> <p>A condition securing details related to commercial developments is recommended, as the final end used are not known and the Use Classes applied for vary. Conditions relating to third Party Wall noise insulation, kitchen extractors (including odour) and any plant necessary.</p> <p>A condition securing a Construction Environment Management Plan is recommended.</p> <p>Recommends a condition securing a land quality assessment.</p> <p>Air quality mitigation should be secured through sustainable measures such as supporting modal shift through the provision of bike storage, access to public transport and the provision of electric vehicle charging points.</p> <p>Lighting is not yet known and is recommended to be secured by condition.</p>
Anglian Water	No objection – subject to conditions	<p>First Response: The applicant should check for any Anglian Water assets which cross or are in close proximity to the site.</p> <p>Second Response: There are assets owned by Anglian Water within or close to the development boundary that may affect the site layout. The site layout should take account of these assets. Any diversion works should be agreed with Anglian Water.</p> <p>The foul drainage from the development is the catchment of Great Billing Water Recycling Centre which currently does not have capacity to treat the flows from the development site. However, Anglian Water are obligated to accept the foul flows from developments that benefit from planning permission and would therefore ensure there is sufficient treatment</p>

		<p>capacity should Planning Permission be granted. A planning condition for foul water is not required.</p> <p>The submitted Flood Risk Assessment, with the proposed surface water drainage strategy is acceptable and should be listed as an approved document, if permission is granted.</p>
Environment Agency	No objection – subject to conditions	<p>The proposed development would only meet the requirements of the NPPF or Joint Core Strategy if a condition requiring the development was imposed ensuring the development is be carried out in accordance with the submitted Flood Risk Assessment and suggested mitigation measures.</p> <p>Recommends the development is also supported by the submission of a Flood Warning and Evacuation Plan.</p>
Crime Prevention Design Advisor	No objection – subject to conditions	<p>The outline application does not contain full details, so an assessment is difficult. No objection to the principle of development. Conditions are recommended to secure crime prevention design mitigation such key fobbed door entry.</p>
NHS England	No objection	<p>Request for a contribution towards improvements to healthcare.</p>
Construction Futures	No objection	<p>Request for a financial contribution towards employment and skills.</p>
NNC Development Management - S106 Function	No objection	<p>Financial contributions are sought from the development towards a range of improvements to services: Early years education Primary education Secondary education Libraries Consideration of the inclusion of fibre broadband</p>
WNC Highways	No objection	<p>Notes that whilst the provision is below the standard, given the edge of town centre location, it is accepted that this is a reasonable level of parking.</p> <p>It is demonstrated that the estimated trip rates generated, that there would not be an undue impact on the local highway network.</p>

		<p>The application should provide a bus ticket for the local area, on a one per unit on first occupation</p> <p>Highways approval should be sought for the crossover and this is separate to planning permission, if granted.</p> <p>A CEMP is required which sets out details related to construction traffic management.</p>
WNC Conservation Officer	No comments	<p>The application does not lie within a conservation area and is not considered to have an impact on the immediate setting of a heritage asset.</p> <p>Therefore, there are no comments from the Conservation Team.</p>

7 RESPONSE TO PUBLICITY

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

7.2 There have been 2 letters of objection, 1 letter making comments and 1 letter in support of the proposal raising the following concerns:

Objections

- Future residents would have to tolerate unacceptable air pollution and noise pollution.
- Unacceptable impact on future residents from light pollution associated with existing commercial uses
- The scale of the proposed apartment block would cause harm to the All Saints Conservation Area
- Important viewpoints at London Road and Cotton End would be impacted by the development

Comments

- Carlsberg operates 24/7 and the new development should not prejudice existing operations

Support

- Existing area is unattractive and the development would rejuvenate the area
- The location of residential apartments close to the town centre will support local businesses

8 APPRAISAL

Changes following Earlier Application

8.1 The application has been submitted following the refusal of a similar application on the site (WNN/2020/1474). The applicant has made changes to the development proposed, to seek to overcome the refusal reasons.

- 8.2 The applicant has reduced the total quantum of development from the previous proposal of 112no. apartments to 104no. apartments. The reduction in the total number of apartments sought has allowed for an increased separation from the Malt Shovel PH on the layout plan. The layout plans and indicative elevations show a step in the built form of the development at the 5th floor and again at 6th floor which reduce the visual bulk and massing of the proposed apartment building. In addition, the separation between the Malt Shovel PH has been improved. Previously the building was a 3 storey projection, 5.8m from the Malt Shovel PH with the building rising to 6 storeys in height 11.2m from the Malt Shovel PH. The current proposal shows a single storey projection 5.7m from the Malt Shovel PH, a 4 storey projection 11.2m away, a 5 storey projection 18m away and a 6th storey 20m from the Malt Shovel PH.

Principle of Development

- 8.3 The application proposes a residential development comprising of 104no. apartments within a sustainable location, close to Northampton Town Centre. There is a need within the Northampton locality for residential homes as this area within West Northamptonshire cannot sufficiently demonstrate a 5 year housing land supply. Therefore the titled balance in favour of supporting residential development is engaged subject to material considerations. The development proposal would make a significant contribution towards the need for housing within the local area. The proposal also includes ground floor commercial uses within Class E along the Bridge Street frontage, which is supported given the proximity to other commercial uses and the Northampton Town Centre.
- 8.4 Policy RS5 of the Northampton Local Plan Part 2 is supportive of edge of centre sites that are well connected to the town centre being brought forwards for appropriate town centre uses, such as residential or other main town centre uses. In this case, alongside a separate planning application for residential development (WNN/2023/0325), the proposal seeks to develop a parcel of land alongside Navigation Road that would provide residential accommodation from first floor and above, along with commercial space at ground floor. The commercial space would face directly onto Bridge Street and would provide an active frontage.
- 8.5 Whilst the site is safeguarded for employment purposes through the Northampton Local Plan Part 2, the existing site with vacant restaurants, surface car park and van rental unit (also appears vacant) offer little in the way of on-going employment opportunities. As such, the site is currently considered not to meet the employment site status afforded by the Local Plan Part 2 or Policy E1 of the Joint Core Strategy. Whilst the primary focus of the current proposal is to provide residential accommodation, it would provide an element of employment use at ground floor with the provision of 2no. commercial units within Class E and one office unit.
- 8.6 As such Officers consider that the proposal would bring a prominent, edge of town centre site into an appropriate mix of uses, contributing to the vitality and viability of the surrounding area, and forming a catalyst for further regeneration works in the Bridge Street area. The proposal would also make a demonstrable contribution towards the housing supply within the Northampton Area. As such, it is considered that in this case, as the titled balance is applied, the principle of a predominantly residential scheme with ground floor commercial uses would be acceptable and accord with Policy RS5 of the Northampton Local Plan and Policy E1 of the West Northamptonshire Joint Core Strategy.

Impact on character and appearance of the area

- 8.7 The site is not located within a Conservation Area nor is it located adjacent to any listed buildings. However, the site would be prominent in the approach to the town centre from Cotton End and the River Nene, and viewed in conjunction with the wider backdrop of the town centre Conservation Areas, such as All Saints and Derrigate which contain listed and locally listed buildings. There are no existing buildings on the site or in close proximity which are listed or locally listed. The comments from the Conservation Officer are noted, that they consider there would not be an impact on a conservation area or setting of a heritage asset. Notwithstanding this response, given the earlier concerns of the Planning Committee in relation to heritage assets, it is considered relevant to assess the impact on heritage assets and/or their setting.
- 8.8 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.
- 8.9 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.
- 8.10 The existing street scene comprises of a variety of single and two storey buildings, with a variety of uses, albeit many of which are currently vacant. To the northern site boundary lies the Malt Shovel Public House, which is a two storey building that sits at the back of the pavement fronting Bridge Street. The public house is operational and has an outdoor seating area to the rearmost portion of the site, with a service access onto Cattle Market Road. The proposal seeks to demolish all buildings on the site which includes the restaurant buildings and commercial warehouse unit. The Malt Shovel Public House would remain adjacent to the site’s northern boundary.
- 8.11 The proposal would create an active frontage along Bridge Street and would result in an improved public realm with the provision of an enlarged footway and planting area. The surfacing and landscaping of this area would be the subject of a separate reserved matters application, although the layout is secured as part of the current outline planning application. However, the inclusion of these is considered to positively impact upon the immediate streetscene on Bridge Street with improved open space and an active frontage provided by the ground floor commercial units.
- 8.12 The current application is for outline permission with the matters of landscaping and appearance reserved. These matters, such as external appearance including colours, materials, detailing, windows and planting type would be determined at reserved matter stage.
- 8.13 The proposed building would provide residential accommodation primarily over 5 floors of the six storey building. The building would be set within the southern section of Bridge Street towards the road bridge over the River Nene. Within this area there is

a variety of buildings scales, finishes and uses. Directly to the west of the sites lies the Carlsberg factory which comprises of office buildings facing onto Bridge Street along with the wider Carlsberg site which contains the silos which are a dominant feature within the street and wider area. The Carlsberg Office building, whilst 4 storeys in height measures approximately 16.4m in height with the silos measuring around 19m. In addition, buildings within the local area vary, with parts of the Carlsberg Factory towards the River Nene being of 6 and 8 storeys in height, the main building be 4 storeys, surrounding residential buildings being 3 storeys, and commercial buildings of 2 storeys. The proposed building would have a maximum height of 18.7m, although the layout plans show that the residential units, provided within a building would have a stepped form, breaking down the form with reduced building heights where possible. The final detailed appearance of the building would be the subject of a reserved matters application should planning permission be granted. Scale and layout are matters for consideration as part of this outline application and, therefore, the layout of each floor and the steps and visual breaks within the bulk form, as detailed on the submitted plans, would be secured at this stage.

- 8.14 To the eastern side of the site lies Cattle Market Road which is a two-lane highway and forms part of the rotary road system, and beyond that lies the Morrison's Supermarket, which whilst a single storey structure internally, presents to Cattle Market Road as a two-storey building, with a blank façade. The proposed building would be situated around 25m from the supermarket, separated by the public highway. The existing section of the application site fronting Cattle Market Road presents a poor streetscape, with lack of active frontage, albeit there is some improvement through the existing residential properties, 3 storey dwellings, approximately 40m from the site. The proposed development would introduce windowed elevations at first floor level and above, which is considered to be a positive benefit of the proposal and would introduce overlooking and surveillance into the area of public realm which are currently lacking. It is noted that the scale of the building would be substantially larger than currently experienced on this section of Cattle Market Road, however, the separation afforded through the width of the highway is considered sufficient so as not to result in an oppressive structure within the immediate streetscene.
- 8.15 The northern boundary of the site is adjacent to the Malt Shovel Public House, which is a two-storey building that fronts Bridge Street and extends back to a plot which decreases in width, to Cattle Market Road. The proposed development when viewed from Bridge Street would be separated from the Malt Shovel PH by around 5.8m which is shown on the layout plans as a single storey projection with the building stepping up in height. Officers are confident that an acceptable scheme could be provided at reserved matters stage, which would deliver an acceptable design, reasonable quantum of development and one which respects the surrounding context. As such, Officers consider that the overall scale proposed would be acceptable in principle, subject to the considerations of design at reserved matters stage.
- 8.16 The indicative massing diagram provided within the Design and Access Statement and the photo montages within the Heritage Impact Assessment show that the scale and indicative design of the building would sit comfortably within the wider area. In this regard Officers consider that the proposed scale and layout, which are matters for determination, would be appropriate in this context.
- 8.17 The proposed building would be located to the southern extent of the town centre and views of the proposal would be made from various vantage points from the south of

the sit and from within the town centre. Concerns have been raised with regards to the impact of the proposal on the wider area with reference to the loss of views from the All Saints Conservation Area. The application has been supported by a Heritage Impact Assessment which demonstrates the impact of the proposal, in terms of the scale and indicative design sought from four viewpoints from the wider area. The viewpoints considered are the view from Bridge Street within the All Saints Conservation Area looking south towards the site, view from the south corner towards the site, view from South Bridge looking north towards the site and the view from St Peter's Way looking east towards the site. The viewpoints include the illustrative proposals of the current application together with the related application WNN/2022/0325.

- 8.18 When viewed from Bridge Street, within the town centre and the All Saints Conservation Area, there would be some longer distance views. As shown on the indicative viewpoint, there would be some visibility of the proposal, however this would be seen in the context of the varying building heights along Bridge Street, at the centre roundabout/one way area towards the south side of Bridge, close to the application site. As such, there would be limited views of the site and these would be assimilated with the existing development, and appear in-keeping. As such, it is considered that the proposed development would not cause harm to longer distance views along Bridge Street towards the site and from within the All Saints Conservation Area.
- 8.19 When viewed from the south corner of Cattle Market Road looking north towards the site, the views would be predominantly of the south site (subject of application WNN/2022/0325) with longer views of the north site. The existing 3 storey residential housing on the east side of Cattle Market Road is shown and the wirelines of the proposed development appear in-keeping with the height of these properties. It is noted that the apartment buildings would be larger in bulk than surrounding buildings, however, this does not appear out-of-keeping with the existing mix of commercial buildings on this part of the street. As such, it is considered that whilst there would be additional height and bulk when viewed from the south corner of Cattle Market, this would not be wholly out-of-keeping with the area.
- 8.20 When viewed from South Bridge looking north towards the site, the proposed development would be viewed in the context of 4 storey apartment buildings and the Carlsberg Offices. From this viewpoint, views would predominantly be of the south building. Officers consider that the proposal would be read as in-keeping with the existing developments.
- 8.21 When viewed from St Peter's Way, looking east towards the site, views are dominated by the existing Carlberg Factory. Whilst some views of the north building would be possible, these would be read in conjunction with the existing factory, which is of a similar scale and has a large, bulky appearance. As such, it is considered that there would not be harm to this view point.
- 8.22 Officers consider that there would be some harm to more localised views points from the south corner of Cattle Market Road, and there would be limited to no harm caused from the other viewpoints provided, including those from the All Saints Conservation Area along Bridge Street (to the north of the site, within the town centre). Whilst some harm may be identified, the buildings would largely be read as in-keeping given the surrounding context of taller commercial or residential buildings. On balance and in principle, given the provision of an active frontage along Bridge Street, increased surveillance, visual interest along Cattle Market Road and the provision of activity on a large unoccupied site it is considered that the proposal would

result in improvements to the character and appearance of the local area. Any harm identified to the All Saints Conservation Area would be of less than substantial harm of which the level of harm would be limited. The public benefits of the improvements to the local character and the provision of needed residential accommodation, together with suitable ground floor commercial uses would outweigh any harm to the longer distance views from the All Saints Conservation Area. Further consideration of the design, materials and appearance of the development would be subject to a reserved matters application should planning permission be granted.

Impact on Residential and Neighbour Amenity

- 8.23 The application proposes the construction of up to 104no residential apartments, with the indicative accommodation provided to be 59no. 1 bedroom apartments, 44no. 2 bedroom apartments and 1no. 3 bedroom apartment over the top 5 floors. The ground floor layout would include the provision of commercial units, with undercroft parking provided. All of the proposed residential units would meet or exceed the minimum floorspace requirements as outlined within the Nationally Described Space Standards.
- 8.24 The proposal would provide a shared amenity space at first floor level, of approximately 490sqm. In addition, the site is located within the town centre and within walking distance of amenity space, such as Becketts Park and the River Nene. It is therefore considered that sufficient amenity space is provided in view of the edge of town centre location.
- 8.25 Two no. enclosed refuse storage areas are proposed for the building and would be accessed from the circulation areas, accessed via the undercroft parking area. Along the northern site boundary, there is a service yard, which provides external access to the refuse store and along the southern site boundary, there is an external access along Navigation Row. It is considered appropriate to attach a condition to ensure that separate, dedicated refuse storage is provided for both the residential and commercial uses. In addition, a condition is recommended which ensures that the refuse storage areas are provided, prior to the first occupation and an additional condition requires the submission and approval of a Waste Management Strategy to ensure appropriate management of refuse storage and that there is no adverse impact on surrounding amenity. It is noted that the Environmental Health Officer has not objection to this element.
- 8.26 The application site is located within an edge of town centre location and as such, neighbouring properties are within commercial use with residential dwellings to the rear of the site along Cattle Market Road. Whilst the application site would add habitable rooms to all sides, (although the positioning of windows would be the subject of a reserved matters application), it is considered that an appropriate outlook could be achieved with sufficient distance retained between the proposed apartment building and neighbouring windows on the opposite side of Cattle Market Road.
- 8.27 In respect of surrounding commercial uses, third party comments have been received raising concerns regarding the potential impact from existing commercial uses on the future occupants of the residential apartments. In regards to the site context, the site lies adjacent to the Malt Shovel Public House, situated to the northern boundary of the site which has a licence to hold late and live music events along with an outside seating area adjacent to the proposed servicing areas. In addition, the Carlsberg head office and factory area lies adjacent to the site, on the west side of Bridge Street

- 8.28 Paragraph 187 of the NPPF seeks to ensure that new development can effectively integrate with existing businesses, including existing commercial buildings, public houses and music venues and that these existing businesses should not have unreasonable restrictions placed on them as a result of development permitted, after they were established. Where the operation of an existing business could have a significant adverse effect on new development, in the vicinity, the applicant should be required to provide suitable mitigation before the development is completed.
- 8.29 A Noise Assessment and subsequent noise assessment to assess the Malt Shovel Public House has been submitted in support of the application. The original Noise Assessment did not include an assessment of the Malt Shovel Public House which it was understood was not trading/reduced levels of trading during the Covid-19 lockdown period. The updated assessment specifically assess the impact of the Malt Shovel PH in Summer/Autumn 2022.
- 8.30 The development proposal includes residential accommodation, with habitable rooms expected on all elevations. In order to ensure appropriate levels of amenity for proposed occupiers and to ensure unreasonable expectations are not placed on existing businesses in the vicinity curtailing their existing activities in relation to noise impacts, Environmental Protection have recommended conditions. The details these conditions would secure relate to the provision of an updated noise survey and mitigation required, noise insulation, details of plant/operational equipment for the residential accommodation and commercial uses and a Construction Environment Management Plan. The requested conditions are considered to be reasonable and necessary in regard to secure an acceptable standard of amenity for future residents and not curtail existing commercial activities. It is also considered necessary to impose a condition to secure a pre-occupation survey to ensure that the mitigation measures have been installed correctly, so that they achieve the aims of reducing noise impacts upon future residents and any adverse impacts on nearby commercial uses. In the interests of providing future-proofed developments, it is considered reasonable and necessary to impose a condition securing the submission of plan providing electric vehicle charging points.
- 8.31 Subject to the details provided through planning conditions, Officers consider that suitable mitigation can be provided within the development to ensure that any impacts arising from surrounding uses can be sufficiently mitigated, such that there is no unacceptable adverse impact on proposed amenity or existing businesses within the area, in accordance with policy requirements.
- 8.32 Given the location of the development, residential and commercial uses and the provision of a first floor shared amenity space, it is reasonable to assume that external lighting would need to be provided. As details of lighting have not been included, a condition securing details of external lighting is consideration appropriate.

Highways Impacts

- 8.33 The application site is located within an edge of town centre location, with strong pedestrian links into the town centre. The proposal would provide 36no. parking spaces within the undercroft parking area, which would be accessed from Cattle Market Road using a new two-way access point. Access to the service yard area would be via Bridge Street. The Council's Highways Officer has provided a response to the application and does not raise concerns with the parking, access or associate volume of vehicle movements. The Officer does request conditions securing details of construction traffic management in a CEMP and a bus ticket for each unit.

- 8.34 The current proposal is considered not to generate a significant volume of traffic to the existing, albeit currently closed, commercial uses on the site such that it would result in severe harm to highway safety. Whilst the provision of parking, of 36no parking spaces, is below the usual requirement for the amount of residential accommodation proposed, given the edge of town centre location it is accepted that this is a reasonable level of parking provision. A condition securing a Construction Environmental Management Plan is recommended, which would ensure that details of traffic management and environmental management during construction would be approved by the Local Planning Authority to ensure that there would not be unacceptable harm during construction. A condition securing the submission of a travel plan, to include details of the provision of a bus ticket for each residential unit is recommended.

Crime Prevention

- 8.35 The Police Crime Prevention Design Adviser has been consulted on the proposal and whilst not objecting to the principle of development, recommends conditions are imposed to require the approval of secure by design measures. As such, a condition is included within the recommendation requiring the submission of details and implementation of security measures.

Flood Risk and Drainage

- 8.36 The site lies within Flood Zone 3, albeit with flood defences, on the Environment Agency's Flood Map for Planning and is therefore at a high risk of flooding from main river sources. There is a water course approximately 150m to the south of the site (River Nene) and this is shown to flood, with the Environment Agency Flood Map indicating that this does breach the site boundary. On this basis, the building has been designed so that all residential accommodation is at first floor level or above with parking, servicing and commercial uses taking place at ground floor level only. The Environment Agency has been consulted and have raised no objections to the proposed development subject to a condition securing that the development is undertaken in accordance with the submitted Flood Risk Assessment. It is considered relevant and necessary to secure such this by the imposition of a planning condition. The Environment Agency have also requested a condition securing a flood evacuation plan.
- 8.37 It is considered reasonable and necessary to impose planning conditions securing details of surface water drainage, details of a scheme for the maintenance of the approved surface water infrastructure and the submission of a flood evacuation plan. The application is considered to comply with Policies BN7A and BN7 of the Joint Core Strategy, Policy Q5 of the Northampton Local Plan Part 2 and guidance within the NPPF.

Archaeology

- 8.38 The site is within an area of known archaeological potential. The Council's Archaeologist recommends a condition securing details of archaeological works which is considered to appropriate.

Section 106, Developer Contributions and Affordable Housing

- 8.39 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. Contributions towards early years, primary and secondary education are also requested and considered reasonable. Secondary education would be subject to CIL.

- 8.40 Construction Futures request a contribution towards apprentice training and a training scheme on the site. In addition, the NHS request a financial contribution towards mitigating the healthcare impacts of the development. These are considered reasonable to request through a S106 agreement.
- 8.41 The proposal currently proposes the provision of 104 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 37 no. units) which should be provided for on-site and if not possible off site (provision or financial contribution as a last resort).
- 8.42 As part of the submission, the applicant has indicated that the scheme would be financially unviable if it were required to provide policy compliant affordable housing or other planning obligations relevant to the scheme (i.e., Public open space, education, etc.). A financial viability assessment has been submitted to demonstrate that the scheme would be unviable if any contributions were sought, including any affordable housing provision. The original application N/2020/1474 also provided a viability assessment that was independently assessed by a viability consultant appointed by the Council and who concluded that the scheme was unable to offer any form of affordable housing or any form of financial contributions. The current proposal includes an update viability assessment, which presents similar conclusions and the Council's viability consultant has confirmed that the scheme would be unviable if affordable housing provision and S106 developer contributions were required.
- 8.43 Given that there has not been a significant change to the application, financial conclusions or market conditions, Officers accept the position of the updated financial viability assessment and earlier conclusions of the independent assessor. This must be weighed against the redevelopment of an existing predominantly redundant site and the provision of much need housing contributing towards the Council's 5 year housing supply. This is considered to weigh in favour of the proposal.

Community Infrastructure Levy (CIL)

- 8.44 The development is CIL Liable.

9 CONCLUSION

- 9.1 On balance, the proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbouring amenity, the highway system, or crime and safety. Officers consider that the amendments to the current proposal have overcome the earlier refusal reasons and that whilst the development may result in harm to views from the All Saints Conservation Area, this harm is assessed as being limited less than substantial and any harm would be outweighed by the public benefits of the scheme by ensuring a long-term viable use for the site and significant levels of housing. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, H1, H14, S1, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policies Q1, Q2, Q5, HO1, HO2 and MO4 of the Northampton Local Plan Part 2.

10. CONDITIONS

Subject to the following conditions:

Reserved Matters Details

1. Approval of the details of the appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Time Limit

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

Approved Plans

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

Proposed Layout Plan Ground, 1st, 2nd and 3rd Floor SK200 Rev E
Proposed Layout Plan 4th 5th and 6th Floors SK201 Rev D
Proposed Vehicular Access SK 250 Rev D
Indcative Sections – SK251 Rev D
Flood Risk Assessment – O2
Noise Impact Assessment
Preliminary Bat Roost Assessment - March 2023
Phase 1 Geo-Environmental Desk Study (40187-N-1)

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

Demolition

4. The works of demolition hereby permitted shall not be carried out until details of the scheme for the carrying out of the works of redevelopment of the site hereby permitted (including a timetable for these works) has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the character and appearance of the Conservation Area in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

Construction Environmental Management Plan (CEMP)

5. 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 (including Best Practice Measures contained within Section 6 of the submitted Dust Impact Assessment undertaken by Accon UK Limited, dated 1st October 2020, Report Ref: A/3391/CMP/01).
- 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) Delivery and Construction hours.
- 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.

Levels

- 6. No development shall take place until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

Contamination

- 7. No development shall take place until an investigation and risk assessment to assess the nature and extent of any contamination of the site has been completed, in accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, pets, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. 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 7 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8 above, 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, shall be submitted to, and approved in writing by the Local Planning Authority in accordance with Condition 9.

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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

Secure By Design

11. Prior to any works above lower ground floor slab level, a scheme providing details of the measures to be incorporated into the development demonstrating how the principles and practices of 'Secured by Design' have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

Archaeology

12. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components, completion of each which will trigger the phased discharging of the conditions:
- (i) Approval of a Written Scheme of Investigation.
 - (ii) Fieldwork in accordance with the agreed written scheme of investigation.
 - (iii) Completion of a Post-excavation assessment report and approval of an approved Updated Project Design (to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the planning authority);
 - (iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in advance by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF paragraph 199. This is a pre-commencement condition to ensure timely submission of details.

Surface Water Drainage

13. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment 19020 March 2023 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 (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 (if required).
 - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - iii) cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices
 - iv) Flows to be restricted to 2l/s.

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

14. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the aims of the NPPF

Lighting

15. Prior to first occupation, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation and retained thereafter.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

Cycle Storage

16. Prior to first occupation of the residential accommodation hereby approved, the secure cycle storage, as shown on plan SK150 Rev C Proposed Vehicular Access - North shall be provided on site and retained for the parking of bicycles by the occupants of the residential accommodation thereafter.

Reason: In the interests of promoting sustainable travel in accordance with the requirements of the National Planning Policy Framework

Refuse Storage

17. The commercial and residential refuse stores as shown within plan SK150 - Proposed Vehicular Access - North Block Rev C shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for bin storage.

Reason: In the interests of residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

Noise

18. Prior to the commencement of development a scheme for achieving the noise levels contained within BS8233:2014 (or any standard revoking and replacing that standard with or without modification) with regards to the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented prior to first occupation of the residential units and a post installation report shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without prior written approval from the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

19. No above ground new development shall commence until a scheme of noise insulation of party construction between the permitted non-residential use and the residential unit has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the residential unit(s) to which it relates.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Air Quality

20. Before development commences an air quality assessment shall be undertaken to assess the impact of the development on local air quality and the community against the National Air Quality Standards and Objectives. The assessment shall identify the impact of the existing and proposed development and any exceedance of the air quality objectives, including any proposed mitigation and shall be submitted to the local planning authority for approval. Once approved the development shall be undertaken according to this approval and the use shall not commence until any agreed mitigation measures have been implemented. No changes shall be made to the development without the prior written approval of the local planning authority.

In addition to the above a point source emissions assessment should be undertaken from the adjacent Carlsberg Site located on Bridge Street. The assessment must have due regard to a recent application N/2019/1418 – Erection of 2no buildings to accommodate combined heat and power recovery units, 4 no coolers, 35 metre high chimney, overhead gantry for services and relocation of existing car parking arrangements.

Reason: In the interest of residential amenity and to protect public health in accordance with the requirements of Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

Commercial Units – Noise/Odour

21. Prior to occupation of any non-residential unit hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, are to be submitted to and approved in writing by the Local Planning Authority. The measures shall have regard to and be commensurate with guidance and recommendations in:
- The current edition of publication “Specification for Kitchen Ventilation Systems”, DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and
 - Publication, “Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs”, Ricardo.com, 2018.

The approved details shall be fully implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

22. Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014

(+A1:2019). Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Electric Vehicle Charging

23. Prior to the construction of works above slab level, a scheme showing the provision of 1 electric charging point per 10 parking spaces should be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the provision of cabling to allow for increased demand in future years. The approved scheme shall then be implemented prior to the occupation of the development.

Reason: In the interests of sustainability and air quality, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Travel Plan

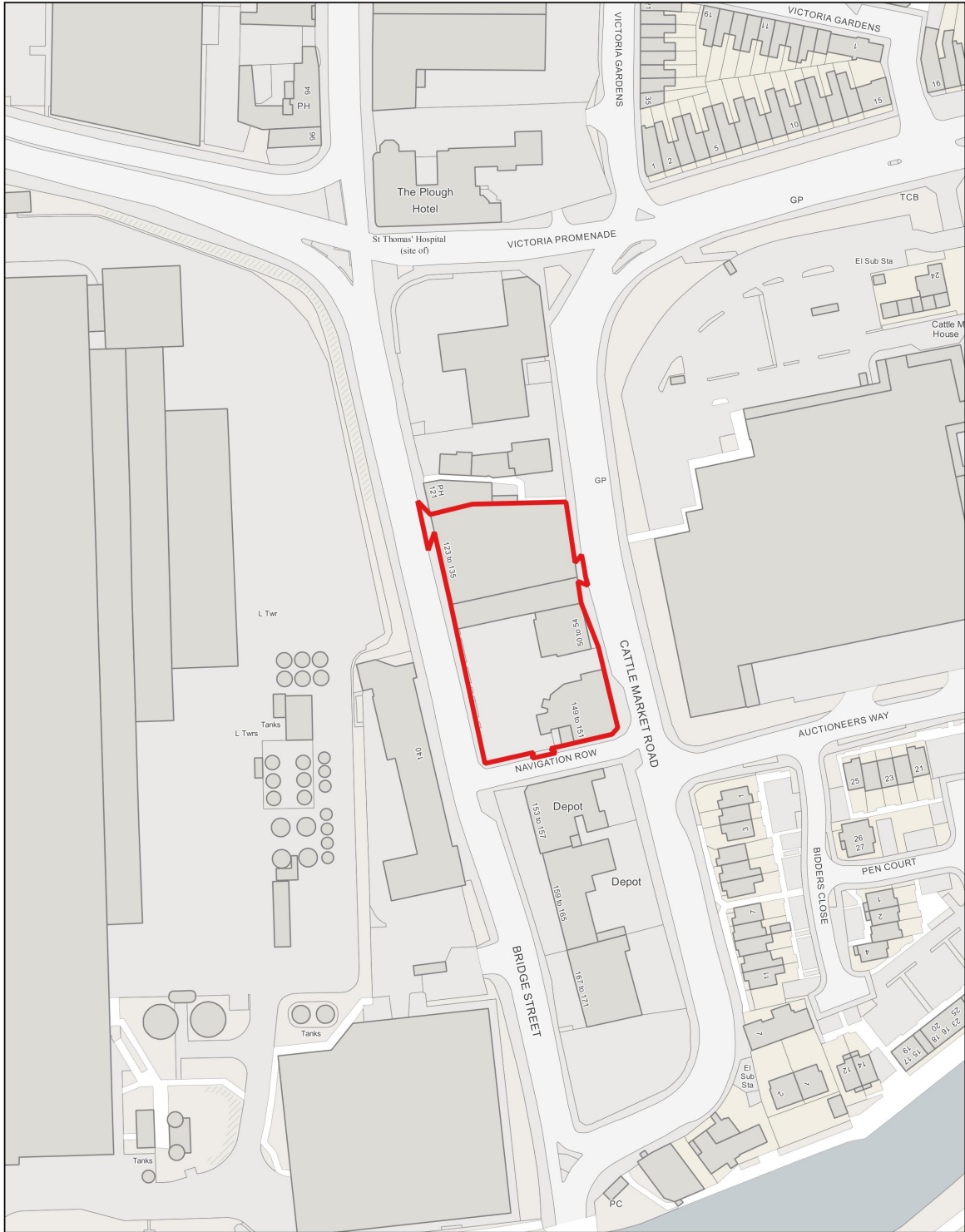
24. Prior to the occupation of the development, a Travel Plan, to include details of a bus ticket for each residential unit, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented with the first occupation of the development.

Reason: In the interests of highway safety to ensure access to alternative modes of transport, in accordance with Policy MO1 of the Northampton Local Plan.

Flood Evacuation Plan

25. Prior to the occupation of the development, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Flood Evacuation Plan shall be provided to each unit, both residential and commercial, prior to the occupation of each unit.

Reason: In the interests of the safety of future occupiers, in accordance with Policy Q5 of the Northampton Local Plan.



**West
Northamptonshire
Council**

Title: **123-135 Bridge St. Northampton**

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