



Planning Committee Report

Application Number: 2023/7939/FULL

Location: Market Walk Shopping Centre Market Square
Northampton NN1 2DP

Development: Change of Use of Existing Building and Structures to a Mixed Use Building Comprising Uses within Use Class E 'Commercial, Business and Service' and Sui Generis 'Drinking Establishments and Venues for Live Music Performances and Events' with Ancillary Facilities and External Alterations to the Market Square and Abington Street Elevations Including New Entrances, Fascia's and Balconies.

Applicant: Minhoco 76 Limited

Agent: Savills (UK) Limited

Case Officer: James Paterson

Ward: Castle Unitary Ward

Reason for Referral: Major Application

Committee Date: 19 March 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION:

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

Proposal

Planning permission is sought for the change of use of the existing building and associated structures to a mixed-use comprising uses within Use Class E 'commercial, business and service' and Sui Generis 'drinking establishments and venues for live music performances and events' with ancillary facilities and external alterations to the Market Square and Abington Street elevations including the provision of new entrances, fascia's and balconies.

Consultations

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

- Northampton Town Centre Conservation Areas Advisory Committee

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

- Environment Agency
- Historic England
- Northants Police, Fire and Rescue
- WNC Environmental Protection
- WNC Heritage and Conservation Team
- WNC Lead Local Flood Authority
- WNC Local Highways Authority
- WNC Planning Policy
- Environment Agency

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

- Northampton Town Council
- WNC Economic Development
- WNC Regeneration

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

Conclusion

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

The key issues arising from the application details are:

- Principle of Development
- Design and Heritage
- Neighbouring Amenity
- Highways
- Flooding and Drainage
- Ecology

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

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

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 This application relates to the Market Walk Shopping Centre in the centre of Northampton. This means that the site is within a short walk of all of the goods and services that are available in the town centre as well as the associated

public transport links, such as various bus services as well as being a short walk from the train station.

- 1.2 The bulk of the shopping centre itself is set behind the other buildings fronting Market Square and Abington Street although it also benefits from a substantial presence on Market Square with the shopping centre comprising a significant portion of the frontage on the eastern side of the square, covering the area formerly occupied by the Peacock Hotel. This façade is comprised of a red brick frontage set across three storeys with openings at ground floor level providing access to those commercial units and a mixture of modest window openings of a domestic scale alongside rather grand window openings straddling the first and second floors which are of a likeness to the large glass structure which lies atop the canopied entrance to the centre and emerges above the eaves of the building. The facade itself is symmetrically laid out with the entrance lying in a central position. Modest access points used for servicing are sited at the far end of each side of this principal façade.
- 1.3 The other entrance to the Market Walk Shopping Centre lies on Abington Street. This entrance is far less prominent and sits more quietly in the street scene than the principal Market Square entrance. This entrance comprises a protruding entrance canopy at ground level and associated glass structure above which sits within the context of the adjacent traditionally designed four storey Victorian buildings and the varied shopping frontages along the remainder of the street.
- 1.4 The shopping centre itself is spread across two storeys internally, with the lower ground floor accessed from Market Walk and, due to levels differences internally, the upper ground floor accessed via Abington Street; access between the levels is provided in a large central circular foyer. The first floor of the building does not host any of the publicly accessible commercial units but rather provides private storage space for the units in the shopping centre. The roof of the shopping centre forms the delivery floor with access through the neighbouring shopping centre, the Grosvenor Centre. Although specific details have not been provided as part of the application, officers' understand that the shopping centre has been closed since January 2021 with the associated units being vacant since then.
- 1.5 The All-Saints Conservation Area borders the application site to the west and covers the frontage on Market Square. There are a number of listed buildings bordering the site on Market Square and Abington Street where the application site falls within their setting. Of the most relevance is Beethoven House, a Grade II* listed building which is immediately adjoining the site to the north-west.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed development is for a change of use of the site from solely Use Class E, which relates to commercial business and service uses, to a mixed use including both Use Class E uses as well as Sui Generis uses relating to drinking establishments and venues for live music performances and events. The change of use would apply across the whole site to enable a flexibility for the proposed operation of the site.

- 2.2 Whilst the application does not seek to tie the proposed use to a particular operator or specific way of operating the site, the Applicant, STACK, who would also manage the site, has set out how they anticipate the site would operate. The overall premise is that the development would be designed to enable maximum flexibility to respond to specific requirements or market conditions which may arise; this would entail a mixture of tenants operating out of the site seeking to provide a wide spectrum of offers to visiting members of the public including bars, food kiosks and other retail uses.
- 2.3 The lower ground floor would largely be given to the entertainment offer associated with the development such as children's entertainment, fitness events and live music. The upper ground floor and first floor would then provide the complimentary Class E uses, alongside drinking establishments.
- 2.4 The proposed change of use would entail a number of internal changes to the shopping centre, such as enlargement of the central foyer area at the expense of some of the commercial units, however it should be noted that these changes do not require planning permission and do not form part of this application.
- 2.5 Externally, changes are proposed to both facades of the building, fronting Market Square and Abington Street. On the Market Square elevation, it is proposed to remove the existing canopy above the entrance to the site and erect a three-storey front extension. The proposed extension would host balconies at first and second floor level while providing a canopy at ground floor level to provide an outdoor seating area. The extension would extend for a width of 34m across the front elevation but would be set 3.5m back from either side boundary so as to not interfere with the existing service accesses at either side of the building. The extension would extend to a depth of 3.5m; the total height of the extension would be 12m and extend no further than the existing ridge height of the building. The design of the extension would clearly be contemporary in nature, making use of dark metal finishes with strong vertical and horizontal lines. The design would likewise make use of shipping container doors as access behind the balconies into the existing building as well as to provide access to the service areas of the building. The ground floor would be given over to shopfronts serving the commercial units there. The Abington Street elevation would be altered to match the contemporary design of the proposed Market Square but would not extend beyond the existing building.

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:
- 3.2 N/2016/1693 - Market Walk Shopping Centre, Market Square, Northampton - 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/cafe) and A4 (drinking establishment). - Approval
- 3.3 N/2019/1356 - Market Walk Shopping Centre, Market Square, Northampton - 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. - Approval

- 3.4 N/2020/0198 - Market Walk Shopping Centre, Market Square, Northampton - 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 (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. - Refusal
- 3.5 N/2021/0414 - Market Walk Shopping Centre, Market Square, Northampton - 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 - Refusal

Officer comment: The most recent two applications (N/2020/0198 and N/2021/0414) were refused on the basis of extensions to the building being of unacceptable design by reason of their scale, massing, proportions and overall design. The applications both included substantial upward extensions amongst various other alterations. This application seeks to address these reasons for refusal by limiting extensions to the addition to the balconies on the Market Square façade and not including any upward extensions which was the principle point of objection from the Council in these previous applications. A second reason for refusal was included in each application which related to occupier amenity which is not relevant to this application.

- 3.6 WNN/2022/0410 - 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. Approved in Principle subject to completion of S106. Northampton Planning Committee 14th March 2023. S106 not completed.

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

- 4.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

Development Plan

- 4.4 West Northamptonshire Joint Core Strategy (Local Plan Part 1)
- SA - Presumption in Favour of Sustainable Development
 - S1 - The Distribution of Development
 - S2 - Hierarchy of Centres
 - S7 - Provision of Jobs
 - S8 - Distribution of Jobs
 - S9 - Distribution of Retail Development
 - S10 - Sustainable Development Principles
 - C2 - New Developments
 - BN2 - Biodiversity
 - BN5 - The Historic Environment and Landscape
 - BN7A – Water Supply, Quality and Wastewater Infrastructure
 - BN7 – Flood Risk
 - BN9 - Planning for Pollution Control
 - N1 - The Regeneration of Northampton
 - N12 - Northampton's Transport Network Improvements

Officer Note: Please note that Policy N2 (Northampton Central Area) was superseded by Policies RS5 and CRC1 of the recently adopted Northampton Local Plan Part 2 (2011-2029) and no longer forms part of the development plan.

- 4.5 Northampton Local Plan Part 2 (2011-2029)
- SD1 - Presumption in Favour of Sustainable Development
 - Q1 - Placemaking and Design
 - Q2 - Amenity and Layout
 - Q3 - Carbon Reduction, Community Energy Networks, Sustainable Design and Construction, and Water Use
 - Q4 - Health and Wellbeing
 - RS1 - Supporting Northampton Town Centre's Role
 - RS2 - Regeneration Opportunities in the Central Area
 - RS5 - Development of Main Town Centre Uses
 - CRC1 – New retail developments and retail impact assessment
 - ENV3 – Supporting and Enhancing Biodiversity
 - ENV6 – Protection and Enhancements of Designated and Non-Designated Heritage Assets

- MO1 - Designing Sustainable Transport and Travel
- MO2 - Highway network and safety
- MO4 - Parking standards

Officer Note: Please note that the Northampton Central Area Action Plan (CAAP) (2013) was superseded by the recently adopted Northampton Local Plan Part 2 (2011-2029) and no longer forms part of the development plan

4.6 Material Considerations

- National Planning Policy Framework (NPPF) (December 2023)
- National Planning Practice Guidance (NPPG)
- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards
- Building Frontage Appraisal Market Square and Abington Street, Northampton (2008)
- Shopfront Design SPD
- All-Saints Conservation Area Appraisal

5 **RESPONSE TO CONSULTATION**

5.1 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
Anglian Water	No comment received	
Environment Agency	No comment	No comment to make.
Historic England	No comment	Advise the Council seek views of their specialist conservation and archaeological advisers.
Northampton Town Centre Conservation Areas Advisory Committee	Object	The application site lies within the All Saints Conservation Area and is within the setting of a number of listed buildings. The Northampton Town Centre Conservation Areas Advisory Committee has no objection to the proposed uses and welcomes its contribution to sustainability, by reusing the existing building. It was agreed that its appearance is a significant improvement on the current facade. However, the Committee has concerns about the following aspects of the design of the Market Square frontage. It was noted that the balconies extend beyond the historic building line. The other buildings in the Square are flat fronted. The visual impact of the robust frame was also considered to be intrusive. The 'container' style fascia would be acceptable in an

		'industrial' pop-up, but is not a feature in the conservation area; it would be better rendered to reflect other buildings in the Square. Reference is made in the Rodney Melville Frontage Appraisal 2008 in the supporting documents, but it is not made clear how the design reflects this document. The appraisal stresses the importance of an improved frontage in this location in contributing to the heritage appeal of the Market Square. It was felt that the Abington Street frontage, which contributes to the setting of the conservation area, could be improved to better reflect the character of the buildings in Abington Street.
Northampton Town Council	Support	Welcome and support this planning application to redevelop the former marketplace site into a mixed-use entertainment site. It was commented these plans were the best proposal submitted for this site and it was hoped that the site once complete would contribute to the regeneration and economic growth of Northampton Town Centre”
Northants Police, Fire and Rescue	No objection	“Northants Police has no objections to what is proposed as both the local police Inspector and the police licencing team have been involved in the preliminary discussions leading up to this application. There are stringent licencing conditions agreed between the applicant and the police to address any potential for crime or disorder. To minimise any risk of commercial burglary when the site is closed a comprehensive monitored fit for purpose intruder alarm will be required and any new doors and windows fitted as part of the refurbishment should meet the requirements of a 3rd party accredited security standard such as LPCB LPS1175 SR2 or equivalent.”
WNC Ecology	No comment received	
WNC Economic Development	Support	Officer Summary: The Economic Development Team have indicated support for the proposed development due to the economic benefits the proposed development would be expected to deliver including jobs generation, increased footfall in the town centre and in terms of attracting additional investment to Northampton.
WNC Environmental Protection	No objection, conditions	Officer Summary: Environmental Health have no objections subject to conditions in respect of noise and odour mitigation and hours of use.

Team	required	
WNC Heritage and Conservation Team	Comment	<p>Officer Summary: It is noted that the current building (which was formerly known as Peacock Place) is of no historic and limited design merit.</p> <p>The Conservation Officer has raised concern with regard to the design of the proposed development and the impact on the historic environment although they have not formally objected to the development. The concerns largely lie with the proposed Market Square frontage in terms of its appearance as well as its protrusion into the square which give rise to harm to heritage assets. Concerns have also been expressed with regards to the Abington Street elevation and the comments received indicate that a more sympathetic design to this elevation would be welcomed.</p>
WNC Local Authority	Lead Flood	No comment
WNC Local Highways Authority	No objection	<p>Recommend the following conditions:</p> <p>“Travel Plan Prior to the first occupation of any unit of the proposed development the applicant shall provide a full Travel Plan for written agreement by the local planning authority. The measures identified shall thereafter be carried out in accordance with a timetable to be included in the full Travel Plan.</p> <p>CEMP Prior to commencement of development a Construction traffic management plan shall be submitted to the Local Planning Authority for agreement in writing, after which any demolition, site clearance and construction shall be carried out in accordance with the agreed Construction Management Plan.</p> <p>Cycle Parking It is accepted that there is suitable cycle parking in the vicinity on market square and Abington Street in the form of Sheffield Stands for customers. However, staff cycle parking has not been taken into consideration, as they cannot be expected to leave their bikes in these locations during the whole workday.</p>

		<p>Therefore, cycle parking for staff needs to be accommodated within the development. The details of which can be conditioned, but a suitable area to accommodate enough cycle parking, in line with parking standards and LT/120 needs to be identified.</p> <p>Based upon the floor area given (10759), this would require a minimum for 107 cycles to be securely stored for staff.</p> <p>Servicing Management Plan The LHA requests a suitably worded planning condition for the provision of a Service Management Plan. There are many different units and delivery, servicing and management will need to be coordinated.”</p>
WNC Planning Policy	No comment received	
WNC Regeneration	Support	<p>Support the proposal that will see the transformation of the Market Walk Shopping Centre into a vibrant destination in Northampton Town Centre.</p> <p>The site occupies a strategically important position within the town centre, with Abington Street being a key arterial route through the retail core with a major investment in the public realm taking place this year. The Market Walk Shopping Centre also fronts onto Market Square, a key regeneration site identified in the Town Centre Masterplan, published in October 2019. Introducing a new leisure offering to this area will increase and diversify the existing offer and will support both the regeneration of Market Square and the works taking place along Abington Street.</p> <p>The creation of a space for multiple independent street food operators is proposed, that will serve a wide variety of good quality, modern street food cuisine from local independent traders. A number of retail units would be transformed into bars, each with their own unique look and offer, and there will also be provision for competitive socialising including various leisure activities. The bars and street food units would be located around a communal open seating area focused on a main stage, which would provide a space for</p>

		<p>live music performances and entertainment. The centre would retain active frontages to Market Square and Abington Street. A key element will be to create an external space that offers outdoor drinking and dining.</p> <p>The repurposed Shopping Centre will create a prime destination in Northampton for food, drink and entertainment which will attract local residents and workers, and visitors from neighbouring areas. It will also act as an anchor to support the Council's focus on transforming and enhancing Market Square as a prime events space.</p> <p>It is recognised that the unprecedented levels of change experienced by Northampton's Town Centre in recent times have created a series of challenges it must tackle and overcome, including:</p> <ul style="list-style-type: none">• Creating a Vibrant and Welcoming Town Centre• Providing the Conditions for Business to Flourish• Creating a Town Centre that Benefits all of our Communities <p>The redevelopment of the Market Walk Shopping Centre offers an opportunity to meet an identified need for key town centre development, which in turn will encourage footfall and diversify the town centre offering. Without intervention, it is likely that the Market Walk Shopping Centre will remain in a redundant and vacant state following the decline in the retail market and the impact of Covid-19 in the town centre. This is likely to cause a decline in footfall to this part of the town centre, having an adverse effect on the immediate surrounding area and in particular the proposals for Market Square.</p> <p>As confirmed in the Heritage Impact Assessment, the proposed development will provide a clear improvement over the existing condition of the site in relation to surrounding heritage assets, as well as associated public benefits summarised above and in detail within the application.</p> <p>In conjunction with the contemporary improvements to the Market Square, which is also influenced by geometric patterns, visibility</p>
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		<p>and permeability, the proposed improvements to the building façade created by the projecting balconies and recessed seating areas will be complimentary. Both the Market Square and Market Walk proposals will work in close symmetry.</p> <p>Online consultations were held by West Northants Council in September 2020 to determine the community's priorities for investment, gain feedback and opinions on a range of proposed investment areas and determine the challenges / opportunities for the town. The consultation identified that Town Centre Public Realm and Market Walk were seen to be the most beneficial to improving the town centre with regards to regeneration. 51% of all participants identified that the transformation of Market Walk would be extremely beneficial to the town centre. The redevelopment of the former Market Walk Shopping centre by STACK will achieve this goal.</p>
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6 RESPONSE TO PUBLICITY

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

6.1 There has been one letter received by the Council raising the following comments:

- Concerns around investment of public money in the proposed development

Officer comment: This is not a material planning consideration, nor is it directly relevant to this proposal.

7 APPRAISAL

Principle of Development

Policy Context

7.1 Policy SA of the West Northamptonshire Joint Core Strategy and Policy SD1 of the Northampton Local Plan Part 2 set out that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the national planning policy framework. Policies S1 and S2 deal with the distribution of development and the settlement hierarchy within the area.

- 7.2 Policy S7 of the Joint Core Strategy advises on the provision to be made for employment within the plan area including the renewal and regeneration of existing employment sites as set out in Policy E1. Policy S8 deals with the distribution of jobs with new job growth being concentrated within Northampton.
- 7.3 Policy CRC1 of the Northampton Local Plan Part 2 states that the Council will support proposals which meet the criteria set out in the policy. This includes development which delivers retail firstly in the Primary Shopping Area, followed by the wider Town Centre as shown on the Policies Map although priority will be given to additional comparison retail in the town centre. Any retail proposals on sites outside centres in the retail hierarchy will be required to demonstrate compliance with the sequential approach to site selection. Within the defined Primary Shopping Area, development proposals should provide an active frontage and be open for business during the day. Finally, the policy states that the change of use of vacant units into alternative main town centre uses or residential use will be supported if evidence shows that there is a continuous period of vacancy and marketing for 12 months and that there are no realistic prospects of the unit being occupied for its previous use.
- 7.4 Policy RS1 of the Northampton Local Plan Part 2 states that within the town centre, as defined on the policies map, the Council will continue to support proposals and schemes which contribute positively towards the range of retail, leisure and service-based offers and the town's regeneration. In particular, schemes which provide a balanced mix towards meeting the requirements for town centre uses and housing delivery whilst respecting and enhancing the heritage assets will be welcomed. The achievement of a highly digitally connected centre, to accommodate the changing role of Northampton's town centre and to improve visitor experience, will also be supported.
- 7.5 Policy RS2 of the Northampton Local Plan Part 2 supports the regeneration of sites within the town centre and the wider Central Area, which will deliver opportunities for housing and economic development for the benefit of Northampton's residents and the local economy. In particular, regeneration schemes on the sites will be welcomed. Policy N1 of the Joint Core Strategy also supports the regeneration of Northampton through various methods defined in the policy including a focus on Northampton's town centre and central area for office, retail, leisure and service development providing high quality urban design and public realm and protecting its heritage assets and historic character through managed change.
- 7.6 Policy RS5 of the Northampton Local Plan Part 2 states that the Council supports the development of an appropriate mix of main town centre and residential uses in the town centre.
- 7.7 Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It states that planning policies should take a number of measures to ensure this; most relevant to this application, decisions should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes

in the retail and leisure industries, allowing a suitable mix of uses and reflecting their distinctive characters.

7.8 Paragraph 96 of the NPPF states-

Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

7.9 Paragraph 97 of the NPPF states-

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Assessment

- 7.10 The application site comprises a disused shopping centre in the centre of Northampton town centre, the primary focus in the Council's development plans for the distribution of town centre uses, development generating new jobs and development more generally. Therefore, the principle of bringing the site back into use is supported by planning officers on this basis and represents sustainable development.
- 7.11 The proposed development would bring a number of retail units back into use in a Class E capacity. While the application does not specify the mix of use of the proposed commercial units, it is not required to given the aim of Class E is to maximise flexibility in town centre uses, a number of these units would be brought back into use in a retail capacity (Use Class E(a)) both internally to the shopping centre as well as at ground floor level on both the Market Square and Abington Road frontages. This would take place within the Primary Shopping Area, defined in Policy CRC1, where the provision of retail is supported in principle.
- 7.12 The proposed development also proposes to bring forwards other town centre uses besides retail, namely other uses within a Use Class E use, such as eateries and recreation uses (Use Classes E(b) and Use Class E(d)), as well as complimentary uses which fall under a Sui Generis use, such as drinking establishments and a live music venue. The proposed uses which fall under Class E would be acceptable in this location since they would merely be bringing

vacant commercial units back into use for which their current lawful use is in a Class E capacity, following the abolition of Use Class A (retail) and introduction of Class E in 2020.

- 7.13 In terms of the Sui Generis uses, it is noted that there is a technical requirement in Policy CRC1(c) for vacant retail units being brought back into use in a main town centre use (as defined in Appendix 2 of the NPPF) which are not retail to demonstrate a continuous period of vacancy and that the units have been marketed for 12 months. While there has clearly been a continuous period of vacancy since the shopping centre has been closed for a number of years, no details of the marketing exercise which has subsequently taken place has been submitted as part of the application. Notwithstanding this, officers consider that it is a material consideration that the existing lawful use of the site is not specifically within a retail use but in a Class E use. Therefore, the lawful use of the site is not specifically retail and any Class E can be brought forward on the site without the need for planning permission from the Council. Furthermore, the aims of paragraphs 90, 96 and 97 of the NPPF are noted as is the definition of main town centre uses within the NPPF, which all of the uses proposed as part of this application fall into; it is clear that the NPPF supports main town centre uses within town centres to provide a diverse, robust and vibrant heart to communities. It is also noted by officers that the Development Plan must be in accordance with NPPF and given the aims of the NPPF are clear in terms of supporting town centre uses. Officers have also had regard to the general thread of the Development Plan and other policies supporting town centre uses which weighs in favour of the application. Considering all of the above, officers have therefore not required evidence of a formal marketing exercise seeking to retain the shopping centre in a retail use to have taken place.
- 7.14 Officers have had regard to the requirements of Policy CRC1(2ii) which requires development within the primary shopping area to provide an active frontage and to be open to visiting members of the public during the day. This would be the case here; indeed, the intention of the Applicant is to maintain an active frontage into the evenings and thereby also support the night-time economy of Northampton.
- 7.15 Turning to Policy RS1, it is considered that the proposed development clearly supports the aims of this policy by providing a mixed-use development which provides a range of retail and leisure-based uses. This better responds to the modern demands on town centres by moving away from solely a retail-based offer, as existing, to a varied and robust offer which is able to respond more agilely to changing market conditions. Furthermore, it is considered that the bringing back into use of vacant commercial units supports the overall regeneration aims of the Council in Northampton. This supports the town centre role of central Northampton in accordance with RS1.
- 7.16 The proposal accords with Policy RS2 in that the development would support the regeneration of the town centre and the wider Central Area, which delivers economic improvement and opportunities for the benefit of Northampton's residents and the local economy.

- 7.17 The proposed development also accords with Policy RS5 which seeks to support the provision of town centre uses in the town centre, as is being proposed here.
- 7.18 The proposed development complies with the general aims of the NPPF in that it would provide a new use which would support the local economy and functionality of the town centre as well as opportunities for economic growth and investment. The proposed development would thereby also provide community benefits, such as by encouraging social interaction and cultural facilities.

Conclusion

- 7.19 Overall, it is considered that the proposed development is acceptable in principle and accords with Policies SA, S1, S2, S7, S8, E1, N1, SD1, CRC1, RS1, RS2 and RS5 of the development plan as well as with the aims of the NPPF.

Impact on Character of Area and Heritage

Policy Context

- 7.20 Policy Q1 of the Northampton Local Plan Part 2 states that development should be designed to promote and contribute to good placemaking through high quality, beautiful and sustainable design which encourages the creation of a strong, locally distinctive sense of place; a number of criteria are included in the policy to ensure quality design. It also states that to assist in the achievement of good placemaking, new developments should be designed to meet the criteria set out in the policy which deal with placemaking. For major development, a Building for a Healthy Life assessment, or an assessment against equivalent criteria, should be included in the Design and Access Statement.
- 7.21 Policy Q3 of the Northampton Local Plan Part 2 states that applications for major development, including redevelopment of existing floorspace, must include a Sustainability Statement submitted with their planning application, setting out their approach to the issues set out in the policy. All development should take measures to include sustainability measures set out in the policy.
- 7.22 Policy Q4 of the Northampton Local Plan Part 2 states the health and wellbeing of communities will be maintained and improved by requiring major development to demonstrate, through an appropriate health impact assessment, that it will contribute to creating an age friendly, healthy and equitable living environment through meeting the criteria set out in the policy.
- 7.23 Policy ENV6 of the Northampton Local Plan Part 2 states that the Council will require development proposals to conserve and enhance the historic environment and designated and non-designated heritage assets, including historic landscapes. This will be required by following the requirements set out in the policy.

- 7.24 Policy BN5 of the Joint Core Strategy states that designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced. The policy sets out requirements for development in areas of landscape sensitivity and/ or known historic or heritage significance in order to ensure they secure and enhance their significance. The retention and re-use of disused or underused heritage assets will be supported as will proposals to sustain or enhance the area's understanding of heritage assets.

Statutory Duties

- 7.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.26 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

Site Context

- 7.27 The site is located to the east of Market Square and to the north of Abington Street; the existing building has frontages onto both of these streets although it is clear the principal façade is that which opens out onto Market Square. This façade is far larger with more commercial units opening directly out from this side of the building compared to the Abington Street façade. The Market Square elevation is also far more sensitive to change both by reason of its exposed nature as well as its historic significance highlighted by it being both within a conservation area and within the setting of numerous listed buildings.
- 7.28 The Market in Northampton was chartered in 1139 and the Market Square constructed in 1235. The Market Square is one of the largest in the country and has been trading for over 700 years; the square informs much of the character of this part of the town centre.
- 7.29 Northampton was subject to a devastating fire in 1675 which has led to much of the built form fronting Market Square being the result of extensive rebuilding; this includes several buildings which date from the 18th Century. Many of the earlier buildings in Market Square are listed, including Nos. 5, 8, 12 and 13 Market Square all of which are designated separately as Grade II listed buildings and Nos. 22 and 23 at the junction with Abington Street were built two years after the fire, and are designated as one Grade II listed building. Of more relevance to this application is Beethoven house which immediately adjoins the site and was built in the late 17th Century and is a Grade II* listed building'. Whilst modern development has since been incorporated into the frontages around Market Square, with varying degrees of success, the overall character of the square has remained consistent. This character is somewhat informed by the very defined building line around the square, regularity of fenestration and relatively consistent scale and massing of built form with strong verticality.

- 7.30 Turning to the site itself, the site was originally occupied by the Peacock Hotel which was an impressive coaching inn which provided stabling for horses and opened out into the square. The scale, massing and articulation of the hotel clearly respected its context; although it respected the building line of the square, a modest balcony featured above the entrance which protruded a small way into the square. This was then replaced by the 1960s building by Lesley Cooke, a brutal structure clearly of its time, which was subsequently replaced by the building in situ today (reference: N/1985/LB34).
- 7.31 As is made clear in the Council's 2008 'Building Frontage Appraisal Market Square and Abingdon Street', the current building is of limited design merit. This is due to the form, style and silhouette of the building in conjunction with its bold, unsympathetic and sizeable frontage dominating the eastern frontage of Market Square. The existing building draws the eye away from more characterful and historic buildings which contribute far more positively to the special charm of Market Square.
- 7.32 The Abingdon Street elevation has more of a neutral impact on the character of the street. This façade is unsympathetic, if somewhat pedestrian, in terms of its design and appearance while also drawing the eye due to its protrusion into the street and the large glass gable atop the entrance. While the glass gable does provide some reference to the older parts of the building surrounding it, this gable is still something of an alien feature on this frontage which does little to reference the horizontality of the buildings forming this part of the street.

Heritage Significance

- 7.33 The frontage of the shopping centre, the subject of this application, occupies a prominent position on the east side of Market Square which lies within the All Saints Conservation Area while also lying adjacent to historically important listed buildings, namely Beethoven House (Grade II* listed) and Welsh House beyond (Grade II listed). The proposed development would therefore impact upon these designated heritage assets.
- 7.34 Market Square lies within All Saints Conservation and is noted within the conservation area appraisal as one of the key public spaces within the conservation area. The All Saints Conservation Area Appraisal states: 'The Market Square is believed to be one of the largest in England, and although it is still an active market place, the number of stalls has decreased over the years. There are commercial units along all four sides of the square, which maintains the area's commercial activity, enabling the market square to be an active thoroughfare'. Likewise, the Urban Panel, who visited Northampton in 2010 also commented on the Market Square 'The Market Square remains a remarkable asset which has underpinned the identity of the town in the past and must continue to do so. It's location to the side of the crossroads not only produced a major civic space at the heart of the town, but also underlines the importance of Northampton as a meeting of the ways.'
- 7.35 It is clear that the significance of this part of the conservation area is derived by the market square which dominates this part of central Northampton. The

cohesiveness of the building line around the square, the rhythm of the buildings surrounding the square, views across the square and the regularity of fenestration and other architectural details all feed into the overall historic significance of this heritage asset which this development would affect. To this effect, the conservation area appraisal is clear that development in this area must place emphasis on sympathetic high-quality design and materials. The appraisal is also clear that the square has seen a decline in recent years, which various regeneration initiatives from the Council seek to address, and it therefore supports better utilisation of Market Square to add to the vibrancy of the area and draw more people into this historic space.

- 7.36 The development proposed has been assessed against the approved layout proposals for the Market Square and would not infringe on this development. The comments from the Council's Regeneration Team detailed in Section 5.1 of this report set out how the proposal is viewed in the context of the regeneration of the Market Square and the considered benefits of the redevelopment of Market Walk alongside this the Market Square regeneration and wider regeneration of Northampton as a whole.
- 7.37 Turning to listed buildings, the site falls within the setting of numerous listed buildings; officers consider that, in brief, the significance of these buildings derive from a mixture of their age, architectural merit, community value, evidential value and finally their group value. By falling within the setting of these listed buildings, the development would impact their significance by altering important views of these buildings and by changing the nature of Market Square which in turn alters key characteristic of these buildings.
- 7.38 It should be noted that the alterations proposed to the Abington Street façade would not impact the setting of heritage assets since the conservation area lies a good distance from this part of the building and there are no listed buildings within the immediate vicinity of the site.
- 7.39 In summary, the current building on the site is not of any historic or design merit but it lies in an important location within the All Saints Conservation Area and within the setting of numerous listed buildings.

Design

- 7.40 The loss of the existing facades of the shopping centre is welcomed since these are of no architectural merit and relate poorly to their surroundings.
- 7.41 The overall design of the proposed new facades of the building have been evolved to align with the corporate image of STACK which bases its image on an industrial shipping container design which can be readily perceived in elements of the design. The design is distinctly contemporary with a geometric articulation with the Market Square elevation comprising a façade of decorative container shutters offering glimpses of activity within the building throughout the day and evening. The proposal is to create a new building for the town within a conservation area which is distinct and contemporary. The design is therefore clearly intended to contrast, rather than mimic, the existing architecture in the vicinity and within the Conservation Area.

7.42 While contemporary design which compliments the character of the area is welcomed, there are elements of the proposed Market Square frontage which are at odds with the prevailing pattern of development in the square. The symmetry of the development, the large openings behind the extensive balconies alongside the materiality and other characteristics of the development cumulatively mean that the new frontage would not sit as comfortably as might a more sensitively designed development which aligns more closely to the guidance contained within the Council's Building Frontages Appraisal, 2008. Notwithstanding this, the overall innovative vernacular of the development alongside the sensitive treatment of the roof and overall height of the development represents a positive and responsive design solution for the site. These positive aspects of the design must be considered alongside the other overall improvements to the site such as bringing a long-term vacant and boarded-up building back into use, the delivery of the Council's regeneration goals as well as the substantial improvements to the vitality of the site that the development would deliver by creating a bustling mixed use development with a very active frontage and strong permeability between the internal offers of the building and the Market Square which is currently lacking.

Turning specifically to the visual impact of extending the building into Market Square, it is noted that this is not typical to the square with building frontages being very designed and regimented. Any erosion of the building line is typically resisted due to it being contrary to the character of the square. It is also noted that no other buildings surrounding the square include balconies or other protrusions beyond the established building line, notwithstanding the existing central entrance canopy to Market Walk which currently protrudes into the Market Square by 3.5m. While it is clear that the extension into the square would give rise to visual impact due to the prominent location of the site, the extension itself would be of a modest depth, marginally larger than the existing canopy, which would not unacceptably dominate Market Square while offering benefits such as an increase in usable floor space, a vibrant and visible frontage as well as supporting and complementing the regeneration of the Market Place itself, the works for which are currently in an advanced state. Although officers consider that a design excluding balconies, or with balconies which protrude no further than the existing building line, would be more sympathetic and sit more comfortably on the site, the benefits of including the extension and associated balconies within the scheme are acknowledged providing an active and integrated frontage that engages with the Market Square.

7.43 The proposed new central element on the Abington Street façade utilises the same vernacular as the Market Square façade and would be visually quite similar. The alterations essentially propose to remove the canopy covering the entrance and replace the glass gable with a glass metal framed box. There are elements of the design which officers consider could better reflect the historic building flanking both sides of the glass element, namely responding to the horizontal lines and the overall height. Such alterations to the design would help create a more cohesive appearance. Notwithstanding this, the replacement of the existing canopy and glass gable, which has a neutral impact on the street scene, with a new façade with greater permeability and visual interest

represents a modest improvement over the existing situation and is therefore supported by officers in terms of design.

- 7.44 Officers have also carefully considered the practicalities of the operation of the site, such as the storage and disposal of waste, and consider that these can be accommodated on the site with details left to be agreed via condition.

Health and Sustainability

- 7.45 The application includes a health impact assessment, as required by Policy Q4 which satisfactorily demonstrates that the development would contribute to creating an age friendly, healthy and equitable living environment.
- 7.46 No sustainability statement has been submitted by the Applicant, which is a requirement for major developments as per Policy Q3. However, it is acknowledged that the site is in a highly sustainable location and there are limited opportunities to retrofit the existing building to materially improve its performance in terms of sustainability. It is also noted that the proposed development seeks to re-use an existing building, rather than demolish and redevelop the existing, which is beneficial in terms of the carbon footprint of the development. For these reasons, officers consider that in this specific case, the details submitted on page 47 of the design and access statement would be sufficient to satisfy Policy Q3.

Harm to Heritage Assets

- 7.47 The submitted heritage statement surmises that the proposed development would result in no harm to heritage assets. While officers have considered the views put across in the statement, officers are of the view that an element of harm would arise. This is considered to be moderate less-than-substantial harm. In accordance the policy requirements, the level of harm must be assessed and weighed against any public benefits.
- 7.48 Since the significance of the setting of the listed buildings in Market Square is closely tied to that of the conservation area, officers have considered the harm to these heritage assets in tandem.
- 7.49 Officers disagree with aspects of the conclusions in the heritage statement such as reference to the development as being subservient and reminiscent of the Peacock hotel (paragraph 5.4.11). There is agreement on a number of other matters, such as the loss of the existing Market Square façade of the building represents an opportunity to deliver improvements to the site which would enable the site to respond more positively to the special character of the surrounding heritage assets. The development is also considered to include several improvements which would deliver such betterments over the existing building such as a more active frontage and visual engagement with the Market Square. It is also clear to officers that there are substantial public benefits in terms of economic, social, community and regeneration considerations.
- 7.50 Officers consider that there is clearly a level of harm to the Conservation area and setting of nearby listed buildings. The overall design of the building has

responded in some ways to its context but is overall principally concerned with according with the corporate image of STACK which would lead to the development appearance somewhat discordant with its context. This is evident in the provision of extensive openings which provide an unusually high (for the square) void-to-solid ratio, the materiality which does not reference local vernacular as well as an overly symmetrical overall articulation of the façade.

- 7.51 The proposed extension in particular would give rise to some harm. The erosion of the building line on the eastern side of the Market Square would diminish a very important feature of the area from which the surrounding heritage assets derive part of their significance. Likewise, the provision of balconies on the extension would introduce a type of use which is not typical of the Market Square which limits activity to ground floor level and across the square.
- 7.52 Officers consider that the level of harm that would be caused to both the setting of listed buildings and the conservation area would be a moderate degree of less-than-substantial harm.

Justification for Harm and Mitigation

- 7.53 Historic England's Good Practice Advice Note 2 – managing significance in decision taking in the historic environment advises at paragraph 26 of that document that “if there is any apparent conflict between the proposed development and the conservation of a heritage asset (the All Saints Conservation Area and surrounding listed buildings) then the decision-maker might need to consider whether alternative means of delivering the development benefits could achieve a more sustainable (social, economic or environmental) result.
- 7.54 Historic England advises that such alternative means of providing the benefits should be explored before any balancing exercise of harm to significance versus public benefits, as set out in paragraph 208 of the NPPF, is carried out.
- 7.55 The justification for the overall design development has been provided by the Applicant. This is on the basis of the proposed development being able to deliver a striking and innovative design which would rejuvenate interest in the Northampton town centre and thereby deliver the associated economic, community and regeneration benefits associated with the developments. Officers accept this as forming justification for the overall design approach that has been adopted by the applicant.
- 7.56 In considering the issue of the extension and associated balconies, a robust exercise in viability has not been demonstrated in support of the balconies to demonstrate that they are fundamental to the development and that the development would not be deliverable without them. However, the Applicant has provided an addendum statement in support of the balconies. The statement sets out the changing nature of town centres and specifically the fact that modern eateries and drinking establishments are increasingly important with outdoor space being an integral part of the offer which draws footfall. The statement also makes clear that there is empirical evidence that destinations with balconies or rooftop terraces attract an additional 20% in footfall compared

to venues without; this benefit then extends to more general economic and social benefits. The implication is that without the balconies, the proposed development would be less likely to deliver the public benefits associated with the development which may be less likely to be viable going forwards. Officers accept this as justification in favour of the balconies and consider that an alternative means of delivering the development in a less harmful way, namely without the extensions and associated balconies, has been considered and rejected as not delivering the same level of benefit. Officers do not consider the comparison of the proposed balconies to the modest balcony which served the historic Peacock Hotel is useful since the proposed balconies are extensive and inform much of the character of the building while the historic hotel balcony was a modest and subservient feature which provided some interest without informing its overall character.

- 7.57 Overall, considering the above, officers are of the view that standing advice from Historic England has been followed with regards to the justification and mitigation of harm to heritage assets.

Public Benefit

- 7.58 Paragraph 208 of the NPPF requires any harm to heritage assets to be weighed against the public benefits associated with a proposed development.
- 7.59 The public benefits in this case are clear to officers. Bringing a long-term vacant significant building in the heart of the town centre back into a viable use which itself would create a new destination to attract footfall and thereby support the vitality of Northampton is a significant public benefit. Other economic benefits also include the generation of new jobs in the town centre, the application details advise that the applicant will employ approximately 160 people (approximately 64 full-time employees and 96 part-time; in addition it is anticipated the tenants that will operate from the site will employ approximately 97 employees split as approximately 60 full-time and 27 part-time, totalling 247 jobs. In addition the proposal would have the potential to increase visitors to the town centre, improve interaction with the marketplace regeneration scheme as well as contributing to the overall regeneration of the town, which is a key objective of the Development Plan and the Council's corporate priorities more generally. The nature of the development would also provide community benefits in that many of the proposed uses of the site entail activities geared towards serving the needs of the community and encouraging social interaction and healthy living. The site is in a highly sustainable location which is readily accessible via sustainable modes of travel and is therefore a site where the Development Plan seeks to direct development which would generate footfall and thereby promote sustainable transport.
- 7.60 Overall, there are clearly significant public benefits associated with the proposed development.

Planning Balance and Conclusion

- 7.61 The proposed development would provide numerous visual improvements to the character of the area as well as other benefits which would enhance the vitality of the town centre as a whole. However, it is noted that there are also elements of the development which would deliver incongruent elements which would not sit comfortably on the site and would give rise to moderate less-than-substantial harm to heritage assets. Officers also note the multitude of varying public benefits the development would provide. Paragraph 208 of the NPPF requires that where harm to a heritage asset would be less than substantial harm, then that harm should be weighed against the public benefits of the proposal, including where appropriate securing the heritage assets optimum viable use. It is officers' view that the proposed development is of acceptable design and that the public benefits the proposal would deliver would outweigh the identified harm to heritage assets. Officers therefore consider the proposal acceptable in terms of its impact on heritage assets and its impact on the character of the area. The proposal therefore accords with Policies Q1, Q3, Q4, ENV6 and BN5.
- 7.62 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the listed buildings and conservation area as set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the heritage assets, and so the proposal accords with Sections 66 and 72 of the Act.

Neighbouring Amenity

Policy Context

- 7.63 Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes reducing the adverse impacts of noise
- 7.64 Policy Q1 of the Northampton Local Plan Part 2 states that development must ensure residents' privacy and adequate levels of sunlight and daylight.

Privacy, Overbearing and Daylight

- 7.65 There are some residential uses within the upper floors of buildings surrounding the Market Square, albeit the predominant uses remain commercial. It is also noted the adjoining building, Beethoven House, has a recent planning consent for conversion to a House in Multiple Occupation and, therefore, impact on residential amenity is a consideration.
- 7.66 The change of use of the site would not result in physical alterations to the building that would have implications on the outlook of neighbours. Likewise, the alterations to the shopfront on Abington Street would not have additional impacts on neighbours. While it is noted that alterations to the existing glazing

would occur as part of the proposed changes to the Abington Street façade, no views out of the building would be created that could not already be attained from the existing windows either side of the protruding element above the main entrance that is proposed to be changed.

- 7.67 The Market Square façade of the building would be subject to more meaningful extension and alteration. While the extension to the front of this façade would be brought forward by 3.5m to a width of 34m, it is noted that the extension would be set back from the side boundaries of this elevation by 3.5m. The nature of the site fronting the Market Square means that there is a generosity of space around the main entrance of the site, meaning that any impacts would be limited to the immediately adjoining neighbours. While it is noted that the proposed balconies would provide more views from the site towards the square and neighbouring uses and that these views would be more robust views for protracted periods of time throughout the day and evening rather than glimpsed views as existing, these views would not result in an unacceptable loss of privacy to any surrounding uses which are principally formed of commercial uses not sensitive to overlooking.
- 7.68 The unit to the south of this façade is currently in a commercial use and is therefore less sensitive to a loss of amenity; however, by setting the extension 3.5m back from the boundary and due to the modest 3.5 protrusion of the extension, the proposed development would not give rise to unacceptable harm to the amenity of this neighbouring occupier.
- 7.69 The neighbouring unit to the north of the site, Beethoven House, is likewise currently in a commercial use and is therefore less sensitive to a loss of amenity. However, there is an extant permission on that site (reference: WNN/2023/0246) for the conversion of the upper floors of the building from office space (Use Class E) to a large house in multiple occupation (Use Class Sui Generis). The change of use has not yet taken place, but officers have afforded weight to the fact that this could be forthcoming, which would introduce a more sensitive residential use to the boundary of the application site. Notwithstanding this, by reason of the modest protrusion of the extension combined with its being set back from the northern boundary of the site, officers consider that the proposed extension would not give rise to an unacceptable loss of daylight or cause unacceptable overlooking to this neighbour. Likewise, the views that would be possible from the proposed balconies would be too acute to provide invasive views into the windows of this neighbour.

Noise

- 7.70 Officers note that the proposed use entails supporting the vibrant nightlife in Northampton which requires the playing of live music on the site as well as the late opening hours of drinking establishments. Clearly, this has the potential to create additional noise impacts compared to the existing use of the site as retail units typically open during business hours, and also compared to the uses within Use Class E which the site could reasonably be used as without the need for planning permission.

- 7.71 Planning Officers have been working closely with Environmental Health Officers who have provided advice in relation to noise. A noise impact assessment was submitted during the application process. The report and its conclusions have broadly been accepted by Environmental Health Officers in that the resultant noise impact from all noise sources to be emitted by the proposed development would not have an adverse impact on residential noise sensitive receptors, subject to proposed noise mitigation conditions being attached to any planning permission.
- 7.72 Officers are satisfied with the overall methodology of the noise impact assessment which therefore provides an accurate view of potential noise impacts the development may give rise to. Where there are unknown variables, such as with regard to the uses of the upper floors of the buildings on the west side of Market Square, the worst-case scenario has been considered and assessed as part of this document.
- 7.73 The report has identified that 2 of the 6 residential noise sensitive receptors identified, the upper floors of Market Square and Beethoven House, would be subject to potential adverse noise annoyance from breakout noise from certain elements of the proposed development, if no mitigation measures were taken.
- 7.74 It is considered that restricting the use of the balconies to reasonable hours would address the noise impacts in relation to neighbours within Market Square; officers have included a condition to this effect to control the hours of use in consultation with Environmental Health.
- 7.75 In terms of Beethoven House, planning permission WNN/2023/0245 included a pre-occupation condition which required the installation of a suitable glazing/ventilation scheme that is capable of ensuring internal ambient noise levels of habitable rooms from break-in noise and for a noise assessment to assess noise transmission through adjoining non-residential uses and, if required, to design and install a suitable noise insulation scheme. Therefore, officers consider that it is reasonable to expect suitable noise attenuation to come forward on this neighbouring property as part of the implementing of that planning permission and discharging outstanding conditions. Notwithstanding this, proposed mitigation measures have been proposed in paragraphs 5.5.23 to 5.5.26 of the noise impact assessment. While these measures are appropriate, officers consider that there is a high probability that an enhanced mitigation scheme may be required to be installed to the separating walls of the two developments, to ensure acceptable internal ambient noise levels with proposed bedrooms in Beethoven House can be achieved. Officers are satisfied that this is readily achievable and are therefore content to deal with this matter by way of a planning condition.
- 7.76 In considering the implications of the development in terms of noise, it is noted that the site is in a prominent town centre location where it can reasonably be expected that there would be a higher degree of ambient noise than elsewhere in Northampton.
- 7.77 Planning Officers, in conjunction with the Environmental Protection Team consider that noise can be adequately addressed through the imposition of

various planning conditions pertaining to noise meaning that this does not represent a constraint on granting planning permission and, subject to these conditions, the development would not have an unacceptable impact on the amenity of neighbouring uses by reason of noise.

Artificial Light

- 7.78 No formal specification of the internal and external lighting arrangement has been submitted as part of the application. Officers are acutely aware of the potential impacts on light spillage into Market Square and Abington Street from inside the development, given that the shopfronts are to be heavily glazed. Likewise, officers are aware that external lighting serving the balcony would also have impacts on the character of Market Square as well as the amenity of neighbours.
- 7.79 Officers are content that it is possible for any impacts from artificial lighting to be mitigated to an acceptable level through the hours of operation of the proposed balconies as well as thoughtful design with regard to lighting more generally. Officers therefore propose this matter is managed via a suitable condition in addition to the hours of use condition referred to above and which has been included in this recommendation.

Conclusion

- 7.80 Overall, officers consider that, subject to conditions, the proposed development would not give rise to unacceptable harm to neighbours' amenity and would accord with Policies BN9, Q1 and Q2.

Highways

- 7.81 Policy C2 of the Joint Core Strategy requires development to mitigate its impacts on the highway.
- 7.82 Policy N12 of the Joint Core Strategy states that the various improvements to the transport network in Northampton will be delivered. This includes by ensuring improved connectivity between existing areas of Northampton for sustainable transport modes to link essential services, facilities and destinations such as retail, education and healthcare; as well as providing improved connectivity to and throughout the town centre from all parts of the town by public transport, walking and cycling.
- 7.83 Policy MO1 of the Northampton Local Plan Part 2 states that in order to deliver a high quality, accessible and sustainable transport network proposals will be required to deliver or contribute to the infrastructure projects which are necessary to make them acceptable. Furthermore, developments should be designed to incorporate, demonstrate and achieve the sustainable travel principles set out in the policy. Applications for major new developments must be accompanied by a Travel Plan. Furthermore, development in the town centre will be expected to contribute towards the creation of new public routes and the facilitation of access, circulation and ease of use.

- 7.84 Policy MO2 of the Northampton Local Plan Part 2 states that subject to consideration of all other relevant plan policies and material considerations, development proposals will be permitted provided there would be no unacceptable impacts on highway safety and that the residual cumulative impacts on the road network are not severe. Furthermore, all development proposals that generate a significant number of traffic movements must be accompanied by a Transport Assessment or Transport Statement. Developments must be designed to allow safe and suitable means of access and site operation.
- 7.85 Policy MO4 of the Northampton Local Plan Part 2 states that new development must meet adopted parking standards and have regard to the principles set out in the Parking Standards SPD. Proposals for transport schemes and major new developments should also provide a car parking management strategy.
- 7.86 Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.87 Paragraph 116 of the NPPF states that planning decisions should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and that d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.88 Officers note that the site is in one of the most sustainable locations in West Northamptonshire partly due to the strong public transport links surrounding the application site. The site is within walking distance of much of Northampton and is readily accessible via cycles, buses and trains, with both the main bus station and train station being within a short walking distance. It is also noted that access by private car is accommodated through the various public car parks around the town centre. The site is therefore in a sustainable location and it is considered that the development would support the aims of the Development Plan with regard to sustainable transport.
- 7.89 However, to ensure that the proposed development does not give rise to unacceptable impacts during its construction and operation, various conditions have been required by the Local Highways Authority and have been included by officers relating to servicing and deliveries, a travel plan and construction traffic.
- 7.90 The issue of cycle parking has also been raised in the Local Highways Authority's response. They accept that there is sufficient public cycle parking around the site to accommodate the cycles of visiting members of the public and therefore have requested no addition public cycle parking spaces.

However, they have requested 107 cycle parking spaces to be provided as part of the development to ensure compliance with the Council's parking standards.

- 7.91 Whilst officer opinion is that in view of the sustainable location of the site the extent of cycle parking required in this instance by Highways would be unreasonable, further clarification has been sought from the applicant regarding the extent of cycle parking provision feasible within the site. Notwithstanding this, a condition is proposed requesting further details for secure on-site cycle parking provision.
- 7.92 The proposal is acceptable in terms of transport and accords with Policies C2, N12, MO1, MO2 and MO4.

Ecology

- 7.93 Policy BN2 of the Joint Core Strategy Local Plan (Part 1) states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.
- 7.94 Policy ENV3 of the Northampton Local Plan Part 2 states that the Council will require all development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats. Proposals should enhance natural capital and be designed around the existing components of the ecological network including sites of national or international importance, sites of local importance and other biodiversity assets. The policy also states that applicants are expected to assess the impacts of their proposals on biodiversity, including indirect impacts such as recreational activities. Development that does not achieve biodiversity net gain, and fragments habitats and links will be refused.
- 7.95 It should be noted that this application was validated prior to the introduction of the statutory biodiversity net gain requirements for major developments brought in as part of the insertion of Schedule 7A into the Town and Country Planning Act 1990 as per Schedule 14 of the Environment Act 2021. There is therefore no statutory requirement for the proposal to provide a 10% net gain in biodiversity on the site.
- 7.96 Notwithstanding the lack of statutory instruments requiring a biodiversity net gain, the development triggers the requirement in Policy ENV3 in terms of ensuring an enhancement to the ecology on the site, since this requires all development to deliver this. However, officers recognise that the development is limited in nature being largely confined to a change of use and internal alterations with only alterations to the shop front on Abington Road and the extended shop front on Market Square being the only external alterations being proposed. This, in conjunction with the existing layout of the site, being heavily developed with a car park at roof level, as well as the proposed development meaning the site would be illuminated for much of the evenings, means that

there are very limited opportunities to provide on-site improvements which can realistically provide ecological enhancement. Officers therefore are of the view that the proposed development cannot reasonably accommodate ecological enhancement measures to fully comply with ENV3.

- 7.97 Officers have carefully considered the possibility of a contribution towards off-site ecological enhancements but consider that, on balance, this would be disproportionate to the development being proposed, given its context.
- 7.98 Overall, while the development cannot technically comply with Policy ENV3, officers consider that the proposed development would have an acceptable impact in terms of ecology.

Flooding and Drainage

- 7.99 Policy BN7 of the west Northamptonshire Joint Core Strategy Local Plan (Part 1) states development proposals must comply with relevant flood risk assessment and management requirements. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test. All new development, including regeneration proposals, must demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. The policy also states that all proposals for development of 1 hectare or above in Flood Zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority.
- 7.100 Policy BN7A of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development should use sustainable drainage systems, wherever practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.
- 7.101 Policy Q5 of the Northampton Local Plan Part 2 2011 – 2029 states that proposals must demonstrate that they will assist in the management of flood risk, ensure flood risk is not increased elsewhere and provide flood risk reduction / betterment. Proposals must also have regard to relevant guidance for flood risk management. Furthermore, suitable access must be provided and maintained for water supply and drainage infrastructure, sustainable drainage systems must be incorporated into the design of developments. Lastly, surface water attenuation should be provided to the design standard for the Upper Nene Catchment.
- 7.102 Officers note that no flood risk assessment has been provided as part of the application. However, this is not a technical requirement since the application site is under one hectare in size and lies exclusively in Flood Zone 1, which is the designation least likely to flood. In any case, the proposed development includes a change of use, internal changes and extensions which would not significantly increase the footprint of the development at ground floor level.

Officers therefore consider that the proposed development is not at significant risk of flooding and would not increase flood risk on or off the site.

7.103 It is noted that the Lead Local Flood Authority have informally requested various improvements be made to the existing building in order to provide a betterment in terms of drainage, having regard to the sewer system having a limited capacity. While a programme of SuDS and other solutions limiting water run-off would doubtless be an improvement over the existing situation, the Council is limited to assessing the impact of the development forming the planning application. The change of use would have no impact in terms of drainage as would the internal changes which do not require planning permission in any case. The proposed extensions would likewise not give rise to an increase in water-run off from the site given that they will not significantly increase the footprint of the development nor create additional hardstanding around the site. Given the proposed development would have a neutral impact in terms of drainage, officers are not able to require the developer to provide a betterment over the existing arrangement in terms of drainage.

7.104 The proposed development is therefore acceptable in terms of flooding and drainage and therefore Policies BN7, BN7a and Q5.

8 FINANCIAL CONSIDERATIONS

8.1 CIL is not applicable for retail development within the Town Centre.

9 PLANNING BALANCE AND CONCLUSION

9.1 The proposed development would provide numerous visual improvements to the character of the area as well as acknowledged economic and social benefits and would enhance the vitality of the town centre as a whole and would make a positive and complementary contribution to the ongoing regeneration schemes within the Town Centre.

9.2 As referred to in the above report, whilst it is noted that there are also elements of the development which would deliver incongruent elements which would not sit comfortably on the site, particularly in respect of heritage impacts, it is considered that these impacts would give rise to moderate less-than-substantial harm to heritage assets. It is officers' view that the proposed development is of acceptable design and that the public benefits the proposal would deliver would outweigh the identified harm to heritage assets. Officers therefore consider the proposal acceptable in terms of its impact on heritage assets and its impact on the character of the area.

9.3 Officers have carefully considered the planning merits of the application and have tested them against planning law, policy and guidance and are satisfied that, on balance, the scheme accords with the relevant national and local policies and guidance and should be approved.

10 RECOMMENDATION AND CONDITIONS

- 10.1 To grant permission subject to conditions as set out below with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary.
- 10.2 A full list of conditions is provided below

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

2628 Urb Mw 00 Dr A 208100 P00 Site Location Plan
2628 Urb Mw 00 Dr A 208101 P00 Proposed Block Plan
2628 Urb Mw Lg Dr A 208150 P00 Proposed Lower Floor Plan
2628 Urb Mw Ff Dr A 208150 P00 Proposed First Floor Plan
2628 Urb Mw Ug Dr A 208150 P00 Proposed Upper Floor Plan
2628 Urb Mw Rf Dr A 208150 P00 Proposed Roof Plan
2628 Urb Mw Zz Dr A 208250 P00 Proposed Elevations
2628 Urb Mw Zz Dr A 208251 P00 Proposed Elevations
2628 Urb Mw Zz Dr A 208350 P00 Proposed Sections
2628 Urb Mw Zz Dr A 299150 P00 Proposed Site Access Maintenance Servicing

All received 05/12/23

Reason : To clarify the permission and for the avoidance of doubt.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policies Q1 and MO2 of the Northampton Local Plan and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence until a scheme of noise insulation of party construction between the hereby permitted development and adjacent residential HMO located at Beethoven House, 32 Market Place, Northampton has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure a Noise Insulating Rating Curve of NR20 in all habitable rooms and be fully implemented before the first occupation of the development hereby permitted and remain in perpetuity.

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

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

5. A schedule of materials and finishes to be used in the external finishes of the proposed shopfronts, extensions and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies Q1 and ENV6 of the Northampton Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Samples of the exterior materials (including cladding, windows, doors, roofing materials and railings) to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies Q1 and ENV6 of the Northampton Local Plan Policy and Government guidance contained within the National Planning Policy Framework

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

7. Notwithstanding the submitted details, prior to the first use or occupation of the development hereby permitted, details for the provision of covered and secure cycle parking facilities to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to the first use of the development hereby permitted and shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Policy MO4 of the Northampton Local Plan and Government advice in the National Planning Policy Framework.

8. A full travel plan based substantially upon the submitted Market Walk Shopping Centre, Northampton: Framework Travel Plan (reference: 31446-HYD-XX-XX-RP-TP-6001-P02, dated 22 December 2023, prepared by Hydrock) must be submitted to and approved in writing by the Council prior to first occupation of any part of the development. The development shall be implemented and operate in accordance with the approved Travel Plan thereafter.

Reason: To ensure the development would not give rise to unacceptable highways impacts, in accordance with Policy MO1 of the Northampton Local Plan and with Government advice in the National Planning Policy Framework.

9. A full service and delivery plan shall be submitted to and approved in writing by the Council prior to first occupation of any part of the development. The development shall thereafter operate in accordance with the approved details.

Reason: To ensure the development would not give rise to unacceptable highways impacts, in accordance with Policy MO1 of the Northampton Local Plan and with Government advice in the National Planning Policy Framework.

10. Prior to the commencement of the opening of any retail unit falling into use classification E(b) or Sui Generis involving the preparation, cooking and sale of hot food for consumption on or off the premises, the cooking equipment installed shall have an associated odour control system; details of which shall be submitted to and approved in writing by the Local Planning Authority. The scheme and any required works shall thereafter be implemented and maintained in accordance with the approved details.

Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to the Local Planning Authority to verify the scheme's effectiveness. The scheme approved by Local Planning Authority shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of surrounding amenity with regard to odour, fume and noise in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy 2014.

11. Prior to the commencement of the opening of any retail unit falling into use classification E(b) or Sui Generis involving the preparation, cooking and sale of hot food for consumption on or off the premises, a scheme for the acoustic treatment of the odour control system to prevent the emissions of noise affecting noise sensitive premises shall be submitted to the Local Planning Authority for approval in writing.

Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to the Local Planning Authority to verify the scheme's effectiveness. The approved scheme shall be fully implemented before the use, the subject of this consent, commences. The scheme and any required works shall thereafter be maintained in accordance with the approved details.

Reason: In the interest of residential amenity with regard to odour, fume and noise in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy 2014.

12. Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste and recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operate in accordance with the approved details at all times thereafter.

Reason: In the interest of public health and safeguarding residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy 2014.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

13. The use hereby permitted shall be open to customers only during the following times:-

Sunday to Thursday : 10.00 am to 00.00 am

Friday, Saturday and Bank Holidays/Public Holidays: 10.00 am to 01.00 am

Live and pre-recorded music shall only be played internally to the building during the following times

Monday to Thursday: 17.00 pm. to 00.00 am.

Fridays, Saturdays and Bank Holidays/ Public Holidays: 8.00 a.m. to 12.30 p.m.

Sundays : 16.00pm to 01.00 am.

The balconies on the west elevation of the building may not be used by visiting members of the public between the hours of midnight and 8 a.m.

Reason : To protect the amenities of nearby residents and to comply with Policy Q2 of the Northampton Local Plan.

14. The development hereby approved shall only be operated in accordance with the noise mitigation measures recommended in Section 5.6 of the submitted Acoustic Assessment Report, (prepared by RPS Group, reference: 794-ENV-ACO-20326-STACK-Northampton 0.1, dated 13 February 2023).

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

15. No sound-amplifying equipment shall be installed or operated on the balconies or other areas external to the building without the prior written consent of the Local Planning Authority.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

16. Construction work (including deliveries to or from the site and sub-contractors) shall take place on the site outside the hours of 0730 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank Holidays or Public Holidays unless otherwise agreed with the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 and S10 of the West Northamptonshire Joint Core Strategy 2014.

17. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the level of illumination, angling and cowling of the light sources, an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact in accordance with The Institution of Lighting Professionals Guidance Note GN01/21 The Reduction of Obtrusive Light. Any lighting shall thereafter be operated and maintained in accordance with the approved details 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 2014.

18. The premises shall be used only for purposes falling within Class E or Sui Generis (specifically Drinking Establishments and Venues for Live Music Performances and Events) specified in 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, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policies Q1 and Q2 of the Northampton Local Plan.
