



# Planning Committee Report

**Committee Date:** 4<sup>th</sup> May 2022

**Application Number:** WNN/2021/0414

**Location:** Market Walk Shopping Centre, Market Square  
Northampton

**Development:** 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

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**Applicant:** Urban Village Capital

**Agent:** Frampton Town Planning Ltd

**Case Officer:** Hannah Weston

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**Ward:** Castle Unitary Ward

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

**Reason for Referral:** Major application

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

Permission is sought for the partial demolition and conversion of the shopping centre and construction of a three storey extension above 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.

#### **Consultations**

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

- Ecology
- Historic England
- Fire and Rescue
- Environment Agency
- Anglian Water
- Construction Futures
- Strategic Planning
- Northampton Town Council

The following consultees have raised concerns or objections with the application:

- Environmental Health
- Conservation
- Town Centre Conservation Area Advisory Committee
- Cllr Birch
- Cllr Stone

Letters have been received from 3 neighbouring properties or third parties.

## **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 report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable.

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

## **MAIN REPORT**

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

- 1.1 The application site is located on the eastern side of Market Square and the northern side of Abington Street, with access to the centre on both streets. The site comprises a two storey shopping centre, with the lower ground floor accessed from Market Walk, and due to levels difference the upper ground floor accessed via Abington Street. The top floor of the building is currently storage rooms for the shopping centre units. The roof of the shopping centre forms the delivery floor with access through the neighbouring shopping centre, the Grosvenor Centre.
- 1.2 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.

### **2. CONSTRAINTS**

- 2.1. Market Square frontage is in All Saints Conservation Area.
- 2.2. A number of Listed and Locally Listed Buildings adjacent and close to the site.

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Permission is sought for the partial demolition and conversion of the shopping centre and construction of a three storey extension above 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.

### 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
N/2020/0198	The conversion of the upper ground floor and first floor level and the construction of a 3 storey extension above to provide student accommodation comprising 355no student bedrooms and bedspaces (mix of cluster and studio types). The removal of four existing units at lower ground floor level and the insertion of two new units within a flexible use of A1 and A3 (shops and restaurants). The change of use of all existing units at ground floor to a flexible use of A1 (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.	Refused – 24/07/2020
N/2019/1356	Removal of existing internal unit division to create open floors at ground and first floor. Change of use of open ground and first floors to flexible multi-class uses of retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), drinking establishment (Use Class A4) and hot food takeaway (Use Class A5) inclusive and Leisure (Use Class D2). Change of use of second floor from Retail (Use Class A1) to Hotel (Use Class C1). Alteration to shop front on Abington Street and part removal of atrium roof at roof level.	Approved 15/05/2020
N/2016/1693	Change of use of units within	Approved 30/03/2017

	Market Walk Shopping Centre from retail (use class A1) to a flexible use within classes A1 (retail), A2 (financial and professional services), A3 (restaurant/café), and A4 (drinking establishment)	
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## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

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

### Development Plan

- 5.4. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, and the Northampton Central Area Action Plan 2013. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.5. The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
  - S1 – The distribution of development.
  - S2 – Hierarchy of centres.
  - S3 – Scale and distributions of housing development.
  - S10 – Sustainable Development principles.
  - C2 – New developments.
  - E1 – Existing employment areas.
  - H1 – Housing density and mix and type of dwellings.
  - BN5 – Historic Environment.
  - BN9 – Pollution Control.
  - INF 1 and 2 – Infrastructure delivery.
  - N1 – The regeneration of Northampton.

#### Northampton Central Area Action Plan 2013

- 5.6. The relevant policies are:

- 1 – Promoting design excellence.
- 12 – Primary shopping area.
- 13 – Improving the retail offer.
- 16 – Central area living.

## Material Considerations

5.7. Below is a list of the relevant Material Planning Considerations

- **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:
  - Paragraphs 7-12 - Presumption in favour of sustainable development.
  - Section 8 - Promoting healthy and safe communities.
  - Section 9 - Promoting sustainable transport
  - Section 12 – Design
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out Crime in Northamptonshire SPG 2004
- All Saints Conservation Area Appraisal and Management Plan 2007
- A Character Assessment and Tall Buildings Strategy for Northampton's Central Area.
- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

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

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

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

## 6. RESPONSE TO CONSULTATION

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

Consultee Name	Comment
Environmental Health	Raise concern with the bin layout within the site and advise that a waste strategy should be provided and agreed with Veolia prior to any decision being made to ensure a workable refuse strategy is possible on the site. Request conditions on noise, air quality
Ecology	No objection. Satisfied no reports are needed.
Historic England	No comment to make on scheme.
Conservation	Object – harm to setting of adjacent and nearby listed buildings, and to the character and appearance of the conservation area.
Town Centre Conservation Area Advisory Committee	Object. Lost opportunity to improve Market Square elevation. Full height may be visible from Market Square. Detractor to the conservation area. Overdevelopment of the site. No case made to justify student accommodation in town centre which risks unbalancing the town centre population and seasonal peaks and troughs of population.
Fire and Rescue	No objections. Recommendations made on sprinklers and fire service access.
Environment Agency	No comment to make on application.
Anglian Water	Request conditions and informatives on foul and used water.
Construction Futures	Request construction training scheme and financial contribution.
Strategic Planning	Request contribution towards libraries and fire hydrants and a condition on fire hydrants.
Northampton Town Council	Support. Less demands for retail in town centres and the development will regenerate the building and have economic benefits with people living in the town centre.
Cllr Birch	Object. Overdevelopment within a town centre. Introduces transient residents that will not establish community. University have stated there is no demand for more student accommodation. Accommodation is only suitable for temporary living, not permanent. Risk this will be converted to a HiMO. 23 rooms do not meet the Average Daylight Factor which does not provide a healthy environment. No sign of on-site gym and laundries. Concerns with crime safety. Concerns with refuse management and potential fly tipping as a result.
Cllr Stone	Object. Overdevelopment with too high a density that is incompatible with vision for the town centre. Concerns with crime safety with the mixed residential and retail units. Pressures on local services. Sewage impact of large development. Concerns with refuse arrangements. No more student accommodation is needed and it may be altered in the future. During pandemic larger rooms are needed. Some rooms have inadequate natural light. Impact on climate emergency and need for zero carbon and energy efficient buildings. Calls application in to Committee.

## 7. RESPONSE TO PUBLICITY

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

7.1. Five letters have been received from three third parties raising concerns and objecting to the application. The concerns raised can be summarised as follows:

- Canopy on Market Square not needed and encourages rough sleeping.
- New entrance on Market Square must be in keeping with the conservation area and market.
- New proposal does less harm to the existing building at street level but two additional floors will be seen from the Market Square and have a similar damaging effect on the Conservation Area and Listed Buildings as the previous refusal.
- Number of residential units similar to previous refusal and will similarly have poor outlook, light and privacy.
- Concern regarding fire safety.
- Bad proposal for a town centre that has lost its sole.

## **8. APPRAISAL**

### Principle

- 8.1 The application proposes the change of use of the existing shopping centre to a mixed use of retail and student halls. Two retail units would be retained at lower ground floor level fronting the Market Square, alongside a commercial store, with the remainder of the floor converted to student accommodation. One retail unit would be retained at upper ground floor level fronting Abington Street with the remainder of the floor converted to student accommodation. The first floor would be entirely converted to student accommodation. Three new floors are proposed above the existing building which would solely provide student accommodation.
- 8.2 With regards to the proposed student accommodation, the proposal would result in an increase in the number of people residing within the town centre, which is consistent with the strategic objectives of the CAAP, which calls for the repopulation of the town centre. Given that the proposed development would be for bespoke student accommodation, it would not add to the Council's housing land supply, as it would be a sui generis use. However, it is acknowledged that the development is likely to reduce demand for Houses in Multiple Occupation elsewhere within the Borough. As such, this would support the provision of a mixture of house types across the Borough, as required by the NPPF.
- 8.3 With regards to the reduction of retail units on the site, with just three being retained, whilst the site is located within a Primary Retail Frontage in the CAAP and there would be loss of retail uses, it is considered that the proposed mix of uses would contribute positively to the area. It was established within previous planning applications on this site that weight must be given to the high vacancy rates with little interest in the units in the centre for a number of years and the benefit of bringing some meaningful uses back into the building, which in turn increases the vitality and viability of the centre.
- 8.4 As with these previous applications on this site, with the high vacancy rates within the Market Walk Shopping Centre, and the length of time that these high vacancy rates have been in occurrence within this site, it is considered that the reduction in the number of units to provide student accommodation is justified. The proposed uses are appropriate uses to find within a town centre location, and provide the opportunity to increase the vitality and viability of the town centre through increased footfall. In addition, an active retail frontage would be retained on the Market Square façade.

8.5 In line with the above, the principle of the proposal is accepted.

The impact of the proposal on the character and appearance of the host property, street scene, Conservation Area and surrounding Listed Buildings.

8.6 Permission is sought for the partial demolition and conversion of the shopping centre and construction of a three storey extension above to provide student accommodation with alterations to the Market Square and Abington Street Facades.

8.7 Application N/2020/0198 was refused in July 2020. One reason was:

‘The proposed extension and alterations to the facades fronting Market Walk and Abington Street would result in a stark, dominating, overpowering, obtrusive and incongruous appearance through the scale, massing, proportions and design used. The resultant appearance would harm the character and appearance of the existing building, the character and appearance of the street scenes, the character and appearance of the All Saints Conservation Area, and the setting of a number of listed buildings, including Grade II\* listed 32/32a Market Square. This falls contrary to the NPPF, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy BN5 of the Joint Core Strategy 2014, and policy 1 of the Northampton Central Area Action Plan 2013.’

8.8 The current scheme has amended the proposed design from that previously refused.

8.9 As existing, the Market Walk shopping centre is not a historic building, however it follows the pattern of development on Market Walk to appear as a row of properties with ridge height and window proportions to compliment the surrounding historical properties. From Abington Street the Market Walk shopping centre has again been designed to complement the neighbouring property.

8.10 Whilst the canopies used on Market Walk and Abington Street for this building are in need of updating, the building as a whole respects the character of the surrounding historic buildings and Conservation Area and does not appear dominating and obtrusive within the street scene. The appearance and scale are broadly in keeping with that of buildings on the east side of the Square and within the terrace row which it falls centrally within.

8.11 With regards to the Abington Street elevation, it is proposed to increase the ridge height of the existing building to create space for an additional floor. Above this an extension is proposed (fourth floor) which presents a blank wall to Abington Street. This blank wall would be set back approximately 8.8 metres from the main Abington Street elevation. Whilst set back, this blank wall would be visible from longer views. It is considered that the introduction of a blank brick wall fronting Abington Street is entirely unacceptable and provides a poor appearance to the detriment of the host property and surrounding area.

8.12 On the Market Square elevation the scheme now proposes to retain much of the existing appearance of the Market Walk shopping centre at lower ground, upper ground and first floor levels. At second floor level the existing roof of the building is being raised to create space for an additional floor. The ridge on the northern end of the front elevation is raised to almost meet the height of the adjacent listed building, and on the southern end of the elevation is raised to be much higher than the neighbouring property. The building is then given one consistent ridge line, whereas currently the building has a varied ridge line. Two further floors are then proposed above this, set



back approximately 22 metres from the Market Square elevation. The two floors would not run parallel to the Market Square elevation. Whilst set back, two outdoor terraces are proposed forward of the built form, just around 8 metres from the front elevation of Market Square. Whilst not shown in the plans, boundary treatment around these terraces would need to be high to stop access to the remainder of the flat roof, and such boundary treatment would be readily visible from Market Square.

- 8.13 The Council's Conservation Officer has been consulted on this proposal and advises that Market Walk occupies a prominent position adjacent to historically important buildings (such as the grade II\* listed Beethoven House) and adjacent to the All Saints Conservation Area. The Conservation Officer advises that whilst the existing building on site is of no historic interest, it is in scale with the height of nearby buildings and allows Beethoven House to be seen as the dominant element on the skyline. It is advised that the increase in the height of the roof proposed on Market Square harms the significance and setting of the grade II\* listed building. It is further advised that the loss in the variety in roofline height, which is a feature of the Market Square, would harm the character and appearance of the Conservation Area.
- 8.14 It is further advised that the proposed bulk and massing of the additional floors, whilst set back, would still be dominant in the skyline views from Market Square and would harm the overall appearance of the conservation area.
- 8.15 It is considered that the proposed extensions and alterations result in an appearance which is dominating and visually detracts within the street scenes. The three storey extension is readily visible from the street scene of the Market Square, and would add a bulk and dominance to this building which overwhelms the neighbouring buildings. It is considered that the design of the alterations and extensions has a negative impact upon the existing appearance of the property and upon the street scene.
- 8.16 In addition to the proposal being of a poor design for this location, the application site is also located adjacent to the All Saints Conservation Area, with the frontage of the site facing Market Walk being within this Conservation Area, the site is also surrounded by a number of Listed Buildings, including 32/32a Market Square, a Grade II\* Listed Building.
- 8.17 The Council's Conservation Officer and the Town Centre Conservation Area Advisory Committee have all been consulted on this application and all raise an objection to the design of the scheme.
- 8.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a Listed Building or its setting. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 8.19 Paragraph 195 of the NPPF requires Local Authorities to carry out their own assessment taking into account any necessary expertise. Paragraph 197 of the NPPF requires Local Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 206 requires Local Authorities to look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.
- 8.20 Paragraph 199 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight to be given to the assets

conservation. Paragraph 200 states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.21 The Council's Conservation Officer advises that the proposal would be dominant and obtrusive in views from Market Square and its scale and design would be harmful, and would fail to preserve or enhance, the character and appearance of the Conservation Area. The setting of the nearby listed buildings would also be harmed by the development. The frontage to Abington Street would be visually intrusive in views along the street, in particular the blank wall extension above. The bulk, scale and massing of the extension would be over dominant in views from Market Square and All Saints Conservation Area and would have a harmful impact on the setting of the Grade II\* Beethoven House and Welsh House alongside.
- 8.22 Northampton Town Centre Conservation Advisory Committee concur that the full height would be visible from the Market Square and would be a detractor to the conservation area and overdevelopment of the site.
- 8.23 It is considered that the bulk and mass of the resultant building is excessive and dominating, and that the design used for the raised roof heights and extension are of a poor quality appearance which exacerbate the harm derived from this proposal. It is considered that the proposal is of an entirely unacceptable design which would result in a dominating and obtrusive appearance, overwhelming and detracting from the setting of neighbouring Listed Buildings and detracting from the character and appearance of the Conservation Area.
- 8.24 Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.25 Whilst the provision of footfall within the town centre is considered a positive of this development, it is not considered that this would outweigh the considerable harm to the character and appearance of the street scenes of Market Square and Abington Street, the Conservation Area, or neighbouring Listed Buildings resultant from this stark, dominating, obtrusive, overpowering and incongruous design.

#### Living conditions for future occupants

- 8.26 Application N/2020/0198 was refused in July 2020. One reason was due to:
- 'The proposal would result in the provision of unacceptable living conditions for the majority of the future occupants through the provision of bedrooms that are offered poor natural light levels, poor outlook, and poor privacy levels, through a reliance on voids and decks, and the positioning of amenity spaces and walkways outside windows. This is considered contrary to the aims of the National Planning Policy Framework, and Policy H1 of the West Northamptonshire Joint Core Strategy.'
- 8.27 The application proposes the creation of 352 student bedspaces, comprising 106 studio flats and 246 cluster bedrooms.
- 8.28 At lower ground floor level, that entered by Market Square, a large central entrance would be created for the student accommodation with reception area, alongside an

internally accessed bike store. This provides a safe and secure entrance point to the student accommodation. At upper ground floor, that entered by Abington Street, a further separate entrance is provided for the student occupiers.

- 8.29 The proposed student accommodation is provided with windows overlooking Market Square and Abington Street, looking within an internal void in the building, looking over a void surrounded by properties on Market Square and Abington Street to the south of the building, or looking at a small void at second, third and fourth floor level looking north towards an existing car park and servicing for the Grosvenor Shopping Centre.
- 8.30 At upper ground floor level, first floor and second floor levels student bedroom windows are proposed overlooking a void on the southern side of the building which is surrounded by the rear of properties on Market Square and Abington Street. At upper ground floor level 3 studios and 8 cluster bedrooms are shown. These are shown to be provided with outside terraces, although no access is shown to these area (which is presumed to be a drawing error). A landscape area is further shown, but again with no access to it which is presumed to be a drawing error.
- 8.31 At first floor and second floor level 3 studios and 8 cluster bedrooms are again proposed on each floor. Each cluster bedroom is again shown to have an outside balcony area. The result of this is that the windows for those cluster bedrooms at upper ground floor level and first floor level would be covered by balconies. Whilst in most situations this would allow sufficient light to still enter the bedrooms, these windows are already proposed within a void where there is minimal outlook and daylight available. Covering the windows with balcony overhangs further reduces the amount of light that can enter these bedrooms, to the detriment of the living conditions of these units. Furthermore, the studio flats within this void look directly into a service yard at the tightest point, with a separation of just 4.8 metres from a wall. It is considered that poor living conditions would be provided to those bedrooms overlooking this void area.
- 8.32 With regards to the central void within the building itself, this is provided largely following an existing glazed roof for the shopping centre, however, whereas the existing shopping centre is 3 storeys, the resultant building would be 6 storeys in height and light would have to travel down this void to provide the only light to a large proportion of the proposed bedrooms. It is considered that the proposed light well would offer a poor level of secondary light to the proposed bedrooms, worsening the lower down the development you move. Similarly, the outlook from these internal bedrooms would be exceptionally poor, being of internal walls and windows opposite. This poor light level and outlook is considered entirely unreasonable for proposed bedrooms.
- 8.33 Further concern is raised with this central void with regards to the proximity and positioning of windows. On the southern and western ends of this void at lower ground, first, second and third floor levels, studio flats are shown with windows at right angles to bedroom windows in the cluster/studio flats. The close proximity of these windows at right angles means that each room would have a clear view into the other, creating privacy issues. Furthermore, 5 of these studio flats are of such a shape that the only window in the room is positioned in the corner of the room, providing little light into the studio.
- 8.34 It is also the case that insufficient separation distances are provided between the windows in this central void to provide acceptable living conditions. On each level two bedrooms are provided with a separation of just 5 metres from a wall.

- 8.35 On the upper ground floor level a studio flat is shown where the window is immediately blocked by a screen in an area which appears to form a shared terrace for four studio flats. Clarification has been sought on this area but none has been provided. Either way this studio flat would have its only window blocked by screening, and also 5 studio flats would potential have overlooking and noise issues from a shared terrace being provided immediately outside the bedroom windows.
- 8.36 Further concern is raised that on the upper ground floor the existing ramp remains with 6 bedroom windows looking directly on to this and with this being proposed to provide a small, screened area for the bedrooms and a communal area which any person could access. This amenity area is immediately outside bedroom windows and would result in privacy and noise issues for occupiers of these bedrooms. Furthermore, these 6 bedrooms are cramped in a corner of the void with the outlook being immediately of a screen, and then of a blank wall just 7 metres away. This poor outlook due to insufficient separation distances continues on the first, second, third and fourth floors, with the same layout and same poor outlook.
- 8.37 With regards to the northern void, concern is raised on the second floor, where 8 cluster bedrooms are proposed which face almost directly onto a wall between this site and Grosvenor Centre, offering unacceptably poor outlook and light levels. At third and fourth floor cluster bedrooms also face northwards, with the outlook being of a busy car park with open decks where people can look directly at these bedroom windows, and of a busy service deck for shops within the Grosvenor Centre.
- 8.38 On the upper floor level fronting Market Square, a studio flat is provided of a shape which is unusable and would have poor light levels due to its shape. This is repeated on the first and second floors. At fourth floor level two studios are provided which again are of an unusable shape and unlikely to provide acceptable living conditions.
- 8.39 On each floor amenity areas are marked which are in fact the corridor areas. Corridors are not considered to provide meaningful amenity spaces. Furthermore, it would be entirely inappropriate to encourage the gathering of residents in corridors immediately outside the doors of student bedrooms.
- 8.40 On the first floor plan two studios facing Market Square and two studios facing Abington Street are shown with no windows. On the second floor one studio fronting Market Square and two fronting Abington Street are again shown with no windows in the floorplans. Whilst this is presumed to be an error, an assessment must be made on the submitted plans which show no windows to these rooms. This is entirely unacceptable.
- 8.41 At second floor level ten studios are shown facing Market Square with windows indicated to be within dormers. The elevation plans, however, only show rooflights at this level. The level of light provided to these rooms, alongside ceiling heights, remains unclear and it cannot be established that acceptable living conditions would be provided to these flats.
- 8.42 A daylight and sunlight report has been submitted with the application. This report outlines that 17 rooms do not meet the right for light in the document provided. Whilst this document outlines that this is good that it is only 17, it is the case that all student rooms must be provided with acceptable light and outlook to accord with planning policy requirements. This document clearly outlines that 17 rooms are not provided with acceptable light, which is entirely unacceptable and an appropriate level of amenity should be provided for all accommodation proposed.

- 8.43 It is further considered that the amenity provision for the site is poor. In previous reiterations, large areas of communal space were provided. These have now all been lost. A reliance is now on corridor spaces providing amenity space, which is not acceptable. The proposed studios are small and the shared spaces for the cluster flats are small and do not appear to take account of how many bedrooms are using them (with regards to size). In order to justify smaller facilities, sufficient on-site amenity space of a good quality would need to be provided, which it is not in this development. Whilst reference is made in the operational management plan to an on-site gym, games room, study areas, and laundry, no such spaces are shown in the plans.
- 8.44 Whilst a POD hotel has been approved on this site which comprises small rooms with no windows, occupiers of the hotel rooms would be more transient in nature and for shorter periods of time in comparison with student occupiers for whom the accommodation would be likely to be for an entire academic year. As such, it is considered appropriate and reasonable to expect an appropriate level of amenity to be provided for proposed occupiers.
- 8.45 It is considered that extremely poor living conditions would be provided for the majority of the proposed bedrooms, with poor outlook, light levels and privacy, alongside poor amenity provisions within the development itself with the studios being small and communal space within cluster flats also being small. As such, it is considered the development as proposed fails to provide an appropriate level of amenity for proposed occupiers contrary to policy.

#### Neighbouring amenity

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

#### Highways

- 8.47 The proposal does not provide any car parking. With the site being located within the Town Centre, and as such a sustainable location, it is not considered that parking is required and the provision of cycle storage is sufficient. This is the approach taken on previous applications on this site. Precise details of how the student occupiers would move in and out could be required through condition.
- 8.48 A bike store of 91m<sup>2</sup> has been provided at lower ground floor level internally. The bike store shown does not outline how many bicycles would fit within the room. It is unlikely that a room of this size could accommodate the required 352 cycle spaces needed for this development. There are, however, a number of rooms which are labelled management or back of house stores. Additional bicycle storage could be provided within these rooms. A condition requiring further details on proposed cycle storage could address this matter.
- 8.49 Concern is raised as to how units on the lower ground level would be serviced. As current the roof of the Market Square shopping centre forms a servicing area. The proposed results in the loss of this servicing area and no details are provided as to how the remaining units would be serviced. It is the case, however, that there are a number of other units on Market Square and Abington Street which do not have service yards

and as such it is not considered that a lack of servicing arrangements would amount to a reason for refusal. Details of the servicing would have been required through condition should the application have been recommended for approval.

### Waste

- 8.50 Environmental Health raised concern with the waste storage on site and whether it was workable.
- 8.51 The submitted plans show the provision of separate bin storage for the commercial and student uses. The Council's waste team have been consulted on this application and no comments have been received.
- 8.52 Whilst Environmental Health raise concern with the bin provisions and lack of refuse strategies, further details could be required by condition to ensure appropriate refuse storage arrangements and an appropriate management strategy, such that it is not considered that the waste provisions on site could form a reason for refusal.

### Crime

- 8.53 The application site is located within the Town Centre, where there are potential crime issues. As part of this application Northamptonshire Police have been consulted and no response has been received at the time of writing this report. A condition requiring details of how the development will meet secure by design, and to provide CCTV and security measures could ensure that appropriate mitigation measures are imposed and secured. This would include details on how the retail and student uses would be kept separate and the security of the roof terraces to stop people accessing the remainder of the roof.

### Other matters

- 8.54 Environmental Health request conditions on noise and air quality. These are considered reasonable to impose should the application have been recommended for approval.
- 8.55 The Fire and Rescue Service make recommendations with regards to sprinklers and fire service access. An informative advising of this advice would have been attached should the application have been recommended for approval.
- 8.56 Anglian Water requested conditions and informatives on foul and used water. These would have been reasonable to attach should the application have been recommended for approval.
- 8.57 A contribution towards construction training has been requested. This would have been secured through a Section 106 Legal Agreement should the application have been recommend for approval.
- 8.58 Strategic Planning have requested a condition and contribution on fire hydrants and a further contribution towards libraries. West Northamptonshire Council Northampton Area have no policy basis for requiring these and as such these would not have been reasonable to have secured should the application have been recommended for approval.
- 8.59 There are a number of inconsistencies and errors in the plans. Whilst attempts have been made to secure corrected plans, none have been provided. With the application

being for a refusal, a decision can proceed despite these errors and on the basis of the details provided.

## **9 FINANCIAL CONSIDERATIONS**

9.1 The development is not CIL liable.

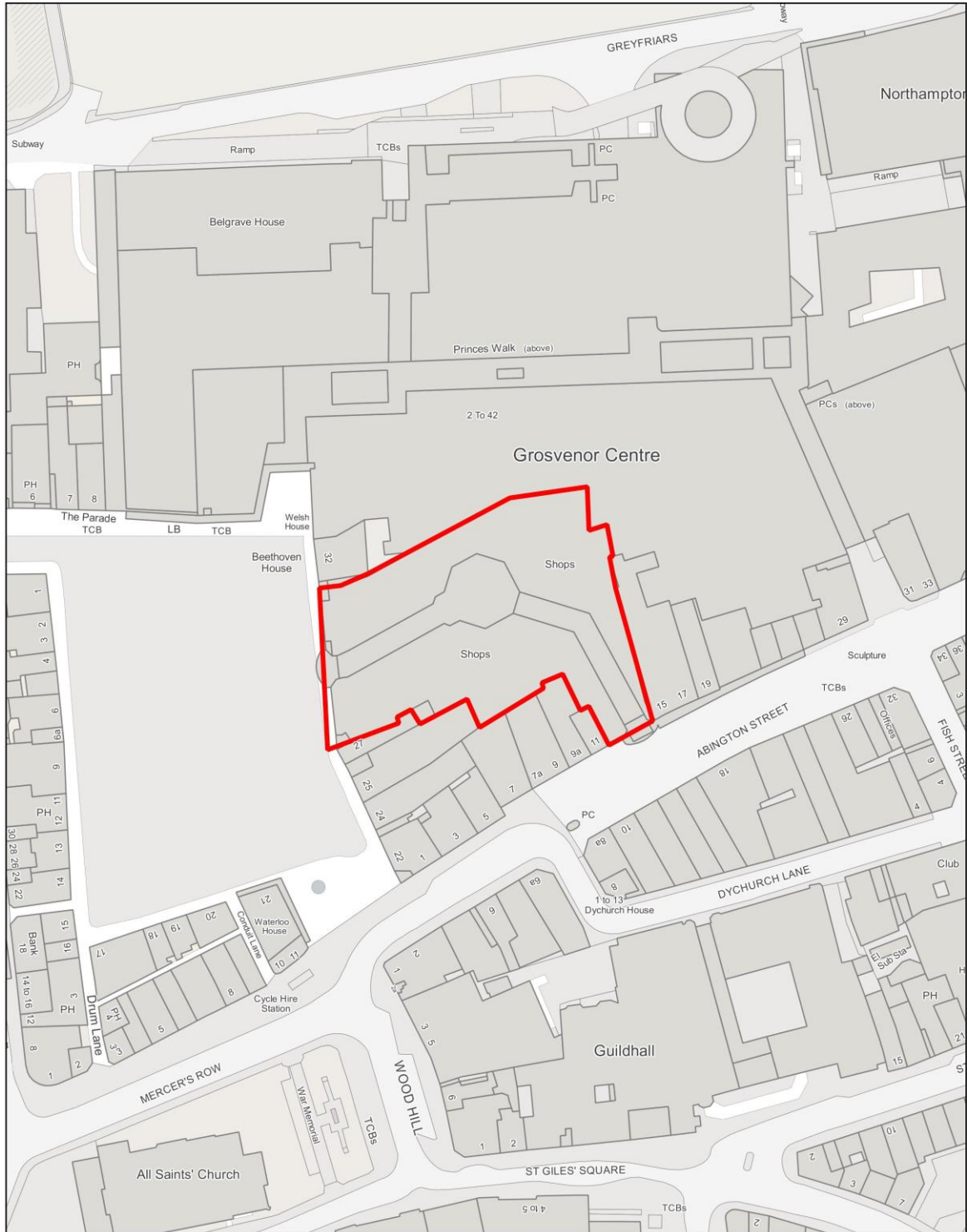
## **10 PLANNING BALANCE AND CONCLUSION**

10.1 To conclude, the design of the scheme is considered to be unacceptable and would have a harmful impact upon the character and appearance of the host property, neighbouring street scenes, the conservation area, and the setting of neighbouring listed buildings. Furthermore the proposal is considered to provide entirely unacceptable living conditions for future occupants of the development. The proposal is considered to fall contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the requirements of the National Planning Policy Framework, Policies S10, BN5, and H1 of the West Northamptonshire Joint Core Strategy; Policy 1 of the Central Area Action Plan 2013 and emerging Policies 3, 4 and 31 of the submitted Northampton Local Plan Part 2 . It is recommended that planning permission is refused.

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

11.1 The proposed development is recommended for refusal for the following reasons:

1. The design of the proposed extensions and alterations would result in a stark, dominating, overpowering, obtrusive and incongruous appearance through the scale, massing and proportions. The resultant appearance would harm the character and appearance of the existing building, the character and appearance of the surrounding street scenes, the character and appearance of the All Saints Conservation Area, and the setting of a number of listed buildings, including Grade II\* listed 32/32a Market Square. This falls contrary to the NPPF, Section 72 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy 2014, Policy 1 of the Northampton Central Area Action Plan 2013 and emerging Policies 3 and 31 of the submitted Northampton Local Plan Part 2.
  2. The proposal would result in the provision of unacceptable living conditions for the majority of the future occupants through the provision of bedrooms that are offered poor natural light levels, poor outlook, and poor privacy levels, through a reliance on voids and decks. This is considered contrary to the aims of the National Planning Policy Framework, Policy H1 of the West Northamptonshire Joint Core Strategy and emerging Policy 4 of the submitted Northampton Local Plan Part 2.
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**West  
Northamptonshire  
Council**

Title: **Market Walk Shopping Centre**

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Date: 22-04-2022

Scale: 1:1,250 @A4

Drawn: M Johnson