



Planning Committee Report

Committee Date: 1st November 2022
Application Number: WNN/2022/0454
Location: The Market Square, Northampton
Development: Public Realm Regeneration Scheme of the Market Square

Applicant: West Northamptonshire Council
Agent: Gillespies
Case Officer: Christopher Wentworth

Ward: Castle Unitary Ward

Referred by: Assistant Director of Place and Economy
Reason for Referral: In the interest of transparency as the application is made by the Council

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

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

Consultations

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

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

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

- Conservation
- Archaeology
- Northamptonshire Fire and Rescue

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

7 no. letters of objection have been received.

Conclusion

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

The key issues arising from the application details are:

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

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

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

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

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

2 CONSTRAINTS

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

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

3 DESCRIPTION OF PROPOSED DEVELOPMENT

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

4 RELEVANT PLANNING HISTORY

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

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

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

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

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

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

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

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

Material Considerations

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

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

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

Section 6 – Building a strong and competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Design

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

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

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

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

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

6 RESPONSES TO CONSULTATION

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

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

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

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

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

7 RESPONSES TO PUBLICITY

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

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

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

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

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

8 APPRAISAL

Principle of Development

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

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

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

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

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

The Replacement of the Existing Hard-Surfacing Materials

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

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

Installation of Permanent Market Stalls

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

Introduction of Tree Planting

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

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

New Seating Area and Street Furniture

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

New Water Feature

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

Provision of lighting

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

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

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

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

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

Impact on Highway Safety

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

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

Impact of the Proposal on Amenity

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

Light Pollution

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

Noise Pollution

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

Ground Contamination

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

Ecology

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

Archaeology

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

Landscaping and Arboriculture

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

Flood Risk

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

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

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

11 RECOMMENDATION / CONDITIONS AND REASONS

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

Time Limit

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

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

2. Approved Plans

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

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

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

3. CEMP

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

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

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

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

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

4. Archaeology Foundation Details

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

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

5. Archaeology Programme of Works

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

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

6. Material Sample Panel of Hard Surfacing

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

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

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

7. Sample of External Materials

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

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

8. Details of Materials

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

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

9. Lighting Details

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

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

10. Operational Plant

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

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

11. Landscaping Scheme

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

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

12. Landscaping Management and Maintenance Plan

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

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

13. Tree Protection

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

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

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

14. Site Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

15. Cycle Parking

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

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

16. Restriction of Use of Abington Street Access

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

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



Planning Committee Report

