



# Planning Committee Report

**Committee Date:** 5<sup>th</sup> December 2022

**Application Number:** N/2020/1474

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

**Development:** Outline Planning application with all matters reserved except layout, scale and access for construction of a 6 storey building providing up to 112no. one, two & three bed flats and apartments (Use Class C3), commercial development (Use Class E (a,b,c,d,e,f,g(i))) and associated ancillary infrastructure

---

**Applicant:** Mr Collins

**Agent:** MHB Planning Ltd

**Case Officer:** Christopher Wentworth

---

**Ward:** Castle Ward

---

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

**Reason for Referral:** Major application

---

## 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**

Outline Planning application with all matters reserved except layout, scale and access is sought for the construction of a six storey building providing up to 112no. one, two & three bed apartments (Use Class C3), commercial development (Use Class E (a,b,c,d,e,f,g(i))) at ground floor level and associated ancillary infrastructure' including undercroft parking provision.

### **Consultations**

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

- Conservation
- TCCAAC
- Regeneration
- Housing Strategy
- Cllr Danielle Stone

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

- Environment Agency
- Highways
- Environmental Health
- Archaeology
- Anglian Water
- Police
- Ecology
- LLFA

The following consultees have commented upon the application:

- Development Management
- Construction Futures

5 no. letters of objection and 1 no. comment has been received from interested 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 key issues arising from the application details are:

- Principle of Development
- Highway Safety
- Residential Amenity
- Flooding and Drainage
- Layout and Scale
- Financial Viability

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 application site is a rectangular shaped parcel of land which extends to approximately 0.32ha and has boundaries formed by Bridge Street to the west, Cattle Market Road to the east, Navigation Row to the south and The Malt Shovel PH and existing commercial development to the north.
- 1.2 The site currently contains the Sakura restaurant and car park, Practical Car & Van Rental and a disused restaurant. To the north of the site is the Malt Shovel Tavern and Europcar. To the east is Morrison's Supermarket and to the south east are residential properties. Directly to the south of the site are disused commercial premises and to the west is the Carlsberg UK Head Office and Brewery with the site located to the south of Northampton Town Centre.

## 2 CONSTRAINTS

2.1 The application site is located within flood zone 3.

## 3 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 Outline Planning application with all matters reserved except layout, scale and access is sought for the construction of a six storey building providing up to 112no. one, two & three bed apartments (Use Class C3), commercial development (Use Class E (a,b,c,d,e,f,g(i)) at ground floor level and associated ancillary infrastructure' including undercroft parking provision.

## 4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
N/2020/1497	Outline Planning application with all matters reserved except layout, scale and access for construction of up to 6 storey building providing up to 66no. one, two & three bed flats and apartments (Use Class C3), commercial development (Use Class E(a,b,c,d,e,f,g(i)) and associated ancillary infrastructure'.	Yet to be determined.

## 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.

### Development Plan

5.2 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, 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) (LPP1)

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

- Policy S1: The Distribution of Development
- Policy S3: Scale and Distribution of Housing Development
- Policy S10: Sustainable Development Principles
- Policy C2: New Developments
- Policy H1: Housing Density and Mix and Type of Dwellings
- Policy H4: Sustainable Housin

## **Northampton Local Plan 1997 (Saved Policies) (NLP1)**

5.4 The relevant policies of the NLP1 are:

- E20 – New development
- B14 – Non-business development

## **Northampton Central Area Action Plan (CAAP) (2013) – Policies**

5.5 The relevant policies of the CAAP are:

- Policy 1 – Promoting Design Excellence
- Policy 2 – Tall Buildings
- Policy 5 – Flood Risk and Drainage
- Policy 16 – Central Area Living
- Policy 22 – Bridge Street

## **Material Considerations**

5.6 Below is a list of the relevant Material Planning 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 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:

- Policy 1 – Presumption in favour of sustainable development (Significant Weight)
  - Policy 2 – Placemaking and Design (Moderate Weight)
  - Policy 4 – Amenity and Layout (Moderate Weight)
  - Policy 13 – Residential and other residential led allocations (Significant Weight)
  - Policy 14 – Type and Mix of Housing (Moderate Weight)
  - Policy 35 – Parking Standards (Significant Weight)
- Northamptonshire Parking Standards
  - Northampton Parking SPD (2019)
  - Planning out Crime in Northamptonshire SPG 2004

## 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	Position	Comment
Highway Authority	No objection	Condition – Construction traffic management plan.
Environmental Health	Comments received	Condition: Air quality assessment. Condition: Air quality mitigation. Condition: Construction and Environmental Management Plan. Condition: Waste Strategy. Condition: Site Contamination Exploration/Remediation. Condition: Acoustic Glazing to all windows on Malt Shovel PH elevation.
Archaeology	Comments received	Condition: Written scheme of investigation for archaeological works.
Development Management	Comments received	Financial contributions sought. - Early Years Education - Primary Education - Secondary Education - Libraries - Fire Hydrants
Construction Futures	Comments	Financial contribution of £10,080 sought.
Environment Agency	No objection	Condition – In accordance with flood risk assessment and mitigation measures.
Anglian Water	Comments	Condition – Surface Water Management Strategy.
Housing Strategy	Objection	Does not meet the policy requirements for affordable housing provision.
West Northants Regeneration	Objection	- Reduce the overall height of both the north and south blocks as they are currently much taller than the neighbouring built form and look somewhat out of context.

		<ul style="list-style-type: none"> <li>- Break the blocks up into separate and distinct buildings as this would:</li> <li>- Make the development as a whole feel less oppressive and add interest to the street-scene. The individual buildings could adopt slightly different architectural forms/styles for example a separate building could properly respond to the mass, form and architectural style of the Malt Shovel Tavern albeit it in a modern way and a building on the south block could start to pick up on the historic wharf building.</li> <li>- Allow the buildings to step down the hill rather than have a single floor plate which has a ground floor that becomes higher than actual ground level.</li> <li>- Allow for visual breaks right through the sites which again adds interest by creating projection and recession to the frontage and allow views through to the central areas of open space.</li> <li>- Ensure all buildings have active frontage at ground floor.</li> <li>- Ensure the design of all building's places stronger emphasis on the entrance spaces and have these as large glazed sections possibly with large canopies to protect from the elements.</li> <li>- Look to create buildings that have interesting roof forms rather than just flat roofs - this again adds interest.</li> <li>- Set back both blocks from the back of pavement to allow for a meaningful landscape strip.</li> </ul>
Police	No objection	Condition – Security measures and a management plan for the operation of the block.
Local Lead Flood Authority	No objection	Condition – Surface Water Drainage Scheme. Condition – Surface Water Drainage Maintenance.
Ecology	Comments	Condition – Bird/Bat Boxes/Bricks. Condition – Method statement in accordance with bat survey.
Conservation Officer	Objection	<p>The site is prominent in approaches into the town centre and redevelopment to provide residential accommodation is welcome in principle and a good quality development would help to regenerate an important part of the town.</p> <p>However, although in outline form, I have concerns in respect of the bulk and massing of the indicated development and the overall quality of the design and consider that a revised</p>

		<p>proposal is required.</p> <p>Although not located within a conservation area, the site is in proximity to important historic buildings included on the Local List, notably the South Bridge and the converted Latimer &amp; Crick warehouse, the setting of which would be harmed by the scale of the development. Views towards the town centre from the south, notably from London Road and Delapre would be likely to be impacted upon by the seven and six-storey blocks, the Town Centre Committee have drawn attention to the likely impact on the key views of the town centre, identified in the Tall Buildings Strategy, including All Saints and Holy Sepulchre churches. The impact on the town's skyline should be included and assessed as part of the application.</p> <p>The design of the buildings is poor and would fail to enhance this important gateway site. A good quality redevelopment that provides a landmark building is required that would provide a benchmark for new development in the town, but which does not dominate its surroundings.</p>
Town Centre Conservation Area Advisory Committee (TCCAAC)	Objection	<ul style="list-style-type: none"> <li>- Located outside of town centre conservation area.</li> <li>- Potential to threaten views into conservation area.</li> <li>- The Carlsberg building whilst 8 stories in places is 4 stories when viewed in relation to the proposal.</li> <li>- Heritage value of existing buildings has not been assessed.</li> <li>- Poor quality design of proposal.</li> <li>- Question whether it is an appropriate location for high density residential development.</li> <li>- Proposal should be assessed against Tall Buildings Strategy.</li> </ul>
Cllr Danielle Stone	Objection	<p>Request to call in application for determination by planning committee.</p> <p>Overdevelopment of the site and not in keeping with vision for the town.</p>

## 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 There have been 5 no. objections and 1 no. comment raising the following points:

- The development is poorly located for housing.
- The site is surrounded by roads, raising issues of noise, pollution and pedestrian safety.
- Apartments located adjacent to the Carlsberg offices suggest that privacy could be an issue.

- The development will add to the proliferation of development in the town centre providing very small 1 and 2 bed units, affecting the social diversity of the area, when there is also a need for family units in suitable locations.
- The development would be too high (see Tall Buildings Strategy) and it dominates the adjacent Malt Shovel pub.
- The development does not provide any external space except for a terrace.
- The indicative elevations are bland in design.
- No reference to the options to provide renewable energy.
- The tall blocks planned would be out of scale with the 'new' houses on the site of the old cattle market.
- The Malt Shovel would be overshadowed by the proposed development. It has an outdoor beer garden, and it is a live music venue.
- The proposed development is liable to flood in extreme weather conditions.
- Hoped that that this very large development will provide the gateway into the town with some interesting/high quality architecture.
- The buildings should be no higher than 4 storeys (the height of the Carlsberg office building), which will also have the benefit of protecting key views to the town centre, All Saints Church and Holy Sepulchre Church.
- The proposed design is bland, without any reference to the surrounding industrial architectural style. This is a key gateway into the town centre and deserves cutting edge design, taking cues from the modernist architecture at Carlsberg, and / or the industrial architecture of the Latimer & Crick warehouse, and the proposal should respect the setting of both of these important local buildings.
- The design should also consider ways of improving the streetscape and public realm, e.g. public art, and incorporating greenery to complement the trees on the Carlsberg and Morrisons sites.

## 8 APPRAISAL

### Principle of Development

- 8.1 The proposed development would create an additional 112 no. units of residential accommodation within a sustainable location. The authority is currently unable to demonstrate a five-year housing land supply, and therefore the tilted balance assessment is engaged. The development proposal would make a significant contribution to addressing this continuing need, which is considered to be of benefit. Furthermore, the proposal would create new residential accommodation within the town centre in a highly sustainable location which is a strategic objective of the Central Area Action Plan (CAAP) which is to re-populate the town centre through mixed use development proposals such as that proposed. The proposal also proposes ground floor commercial use (in this case Class E) along the Bridge Street frontage which is supported as it would seek to bring forward an active frontage in this location where there currently is not and would assist in supporting the general viability and vitality of the Town Centre as a whole.
- 8.2 The wider application site is designated within the CAAP as a strategic development site with a specific policy, policy 22, contained within the CAAP document. Policy 22 seeks to provide the following.
- Redevelop north and south of Navigation Row in a comprehensive manner.
  - Deliver up to 8,000 square metres of office development in addition to residential with small scale retail, financial services and restaurant uses at ground floor.



- Introduce active frontages for the daytime and early evening along Bridge Street.
- Develop landmark buildings which must be provided at the northern and southern ends of the development site.
- Development proposals will need to be compatible with the existing brewery operation to the west, in terms of amenity, design, scale and land use.

- 8.3 In this case the proposal, alongside a separate planning application for residential development, seeks to develop a parcel of land alongside Navigation Row that would provide residential accommodation at the upper floor levels along with commercial space at ground floor level. The ground floor commercial space would face directly onto Bridge Street and would provide an active frontage along this section of Bridge Street. In this case, the proposal does not seek to develop the southern or northern portion of the wider strategic site and therefore a case for a landmark building as outlined by the above policy is not relevant to this application. However, the provision of such a landmark building is not precluded by the development proposal which is the subject of the current planning application. It is also noted that the development proposal would provide residential accommodation in close proximity to the nearby Carlsberg Brewery Operation. The provision of residential accommodation is not necessarily restricted near to the brewery operation but instead is subject to good design and amenity mitigation which is discussed elsewhere in this report.
- 8.4 The application site is also to be allocated within the emerging Northampton Part 2 Local Plan as safeguarded employment land. The site is currently used for variety of uses, including two no. vacant restaurants along with a surface level car park and a vehicle rental unit which also appears to be vacant. It is considered that the current use of the site offers very little in the way of ongoing employment opportunities, particularly with reference to employment land policy E1 within the Joint Core Strategy which states that existing employment sites will be retained in B1, B2, B8 and appropriate non-B employment generating uses. In this case the site currently does not accord with this policy in providing appropriate B class uses and so the effect of this policy is diminished somewhat. It is also noted that whilst the primary focus of the current proposal is to provide residential accommodation, it would provide commercial uses at ground floor level with the provision of 2 no. separate commercial units within the new 'E' use class.
- 8.5 Furthermore, the current application has been submitted for residential development and has been with the local authority for determination since late 2020. On the basis that the site is considered to be a catalyst for further regeneration within the Bridge Street area and fulfils the aims of the CAAP in bringing forward residential and commercial space within a town centre location, it is considered that this emerging allocation can be set aside in securing the aims of the CAAP and housing provision within Northampton.
- 8.6 As such, the proposal would bring a prominent site in the town centre into a highly intensive use, contributing to the vitality and viability of the surrounding area, forming a catalyst for further regeneration works in the Bridge Street area and providing much needed housing at a time when the authority is unable to demonstrate a five-year housing land supply. As such, it is considered that in this case the tilted planning balance applies and that the principle of the development for residential purposes is accepted in this case.

## Design and Impact on Character of Area

- 8.7 The site is not located within a Conservation Area nor is it located adjacent to any listed buildings. However, the site would be prominent in the approach to the town centre from Cotton End and the Rive Nene and views of the building in conjunction with wider backdrop views of the town centre conservation areas, such as All Saints and Derrnigate and listed and locally listed buildings within which they could be made. The existing buildings on site are not listed or locally listed.
- 8.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.9 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.10 In their original comments, the Council's Conservation Officer stated that "the site is prominent in approaches into the town centre and redevelopment to provide residential accommodation is welcome in principle and a good quality development would help to regenerate an important part of the town. However, although in outline form, I have concerns in respect of the bulk and massing of the indicated development and the overall quality of the design and consider that a revised proposal is required". Furthermore, they state that "the design of the buildings is poor and would fail to enhance this important gateway site. A good quality redevelopment that provides a landmark building is required that would provide a benchmark for new development in the town, but which does not dominate its surroundings". This view was also shared by the Town Centre Conservation Area Advisory Committee (TCCAAC) who raised concerns over the scale of the building and its impact upon heritage assets.
- 8.11 Since those comments were submitted the scheme has been significantly amended which has resulted in the following;
- A reduced building scale from a 7-storey building with 168 no. units to a 6-storey building with 112 no. units.
  - The building has been pushed back into the site from the back of footway to provide an improved pedestrian environment and a 'wider' streetscene.
  - The provision of ground floor commercial units (2 no.) along the Bridge Street elevation that would provide an active frontage to this section of Bridge Street where there is currently very little.
  - Projections to the building's elevations have been added along with a flat roof set in from the principal elevation to reduce prominence at street level.
  - Larger lobby entrance to the residential accommodation (2 no.) have been provided to the Cattle Market Road elevation.

- The building has been reduced in scale adjacent to the Malt Shovel PH whereby the building is three stories with a flat roof and then steps up through 4, 5 and then 6 stories.

- 8.12 The existing street scene comprises of a variety of single and two storey buildings with a variety of uses, albeit many of which are currently vacant. To the northern site boundary lies the Malt Shovel Public House which is a two-storey public house building that sits at the back of pavement fronting Bridge Street. The public house is operational and has an outdoor seating area to the rearmost portion of the site with a service access onto Cattle Market Road. The proposal seeks to demolish all buildings on the site which includes the restaurant buildings and commercial warehouse unit. The Malt Shovel PH would remain adjacent to the site's northern boundary.
- 8.13 The proposal would create an active frontage along Bridge Street and would result in an improved public realm with the provision of an enlarged footway and public space area of approx. 7m depth plus the existing footway width of between 2.2m-2.7m. The surfacing and landscaping of this area would be the subject of a separate reserved matters application, although the layout is secured as part of this current outline planning application. However, in this aspect it is considered that the proposal positively impacts upon the immediate streetscene along this section of Bridge Street with improved open space and active frontages provided by the ground floor commercial units. This accords with the general provisions of the development plan and also the design aspirations outlined within the CAAP, specifically with reference to policy 22.
- 8.14 The current application is for outline permission with a number of matters reserved, which include landscaping and appearance. A number of objections have been made regarding the appearance of the building and the lack of detail included within the submitted plans. However, matters related to the external appearance of the building, including colours, materials, detailing, windows, etc. would be determined at reserved matters stage and that the scope of the application at present relates to the scale and layout of the building only.
- 8.15 The proposed building as currently submitted would provide residential accommodation primarily over five floors of the six-storey building. The building would be set within the southern section of Bridge Street towards the road bridge over the Rive Nene within the Bridge Street/Cattle Market Road gyratory where a variety of buildings scales are found. Directly to the west of the site lies the Carlsberg factory building which comprises of the office buildings that face onto Bridge Street itself along with the wider site that contains the silos that are a dominant feature within the site and immediate area. In this context the proposed building would be set approx. 17m away from the Carlsberg building, separated by the public highway and would be erected to a height of 18.4m to the highest part of the flat roofed building, although this is noted to be the uppermost floor that is set in from the buildings Bridge Street elevation whereby a height of 16.4m is proposed. The Carlsberg office buildings directly opposite the site measure approx. 16m high and provide 4 stories, although it is noted that the floor to ceiling levels is greater than that of the residential building proposed so the overall scale is viewed as similar when viewed in close proximity of the site, particularly along Bridge Street. In this regard it is not considered that the proposed scale of the building is inappropriate in this context and that the layout and positioning of the building help to reinforce the appropriateness of the scale in this context, albeit it is noted that this is significantly different from what is currently experienced along this section of Bridge Street.

- 8.16 To the eastern side of the site lies Cattle Market Road which is a two-lane highway and forms part of the gyratory road system and beyond that lies the Morrison's Supermarket which whilst a single storey structure internally, presents itself to the Cattle Market Road elevation as a two-storey building with a blank façade. The proposed building would be positioned approx. 25.2m away from the supermarket building, separated by the public highway. This currently presents as a poor streetscape in terms of active frontage although it is improved somewhat by existing residential development, in the form of three storey dwellings further along Cattle Market Road, albeit this is located further away from the application site sited diagonally (south east) at a distance of approx. 40m. The proposal would introduce windowed elevations at first floor level and above to this elevation which is considered to be positive as it would introduce overlooking and surveillance to an area of public realm that is currently poor served by such measures. It is noted that the scale of the building would be substantially greater than that currently experienced on this section of Cattle Market Road with the existing supermarket building measuring 8.5m. However, it is considered that the expanse of public highway provides sufficient separation between built development so as to not result in an oppressive structure within the immediate streetscene.
- 8.17 The northern boundary of the site is adjacent to the Malt Shovel Public House which is a two-storey building that fronts Bridge Street and extends back into an ever decreasingly wide plot to the Cattle Market Road frontage. Concerns have been raised regarding the scale of the proposed building when viewed in relation to the existing Malt Shovel PH building. The proposal has been amended during the course of the application submission to seek to address such concerns. The proposed building when viewed from the Bridge Street elevation is separated from the Malt Shovel building by a new service yard area, at a distance of 5.5m wide, whereas at present the building is attached to an existing metal clad commercial building. This is considered to be an improvement as it allows the existing public house building to be viewed as a detached building. Furthermore, the proposed building has been designed in a stepped manner in that beyond the service yard the building would be three stories high at a height of 10.3m with a flat roof when compared to the existing public house at a height of 8.7m. The building then steps up to four stories and then five stories which is considered to be a more considerate design approach to the scale of the building in this location with reference to the Malt Shovel building taken into account, although it is acknowledged that the scale of the building is much larger than the current situation this is not considered to be a negative aspect in itself.
- 8.18 The proposed building would be located to the southern extent of the town centre and views of the proposal would be made from various vantage points to the south of the site and from within the town centre. A variety of concerns have been received regarding the proposals adverse impact upon views within the wider area with particular reference to the loss of views of All Saints and Holy Sepulchre Church from Far Cotton, particularly from the locally listed bridge that crosses the River Nene and also from the town centre looking southwards towards London Road and Delapre Park. Concerns have also been raised regarding the lack of compliance with the Tall Buildings Strategy document.
- 8.19 With regards to the Tall Buildings Strategy document whilst it is not adopted planning policy, the document was commissioned to inform the preparation of the Central Area Action Plan (CAAP) and was also used to inform elements of the emerging Local Plan Part 2 and forms part of the list of documents submitted to the Planning Inspectorate as supporting evidence. As such, there isn't a requirement for applicants to follow the criteria within the document, but the proposal is assessed against the policies that the document helped to inform, e.g. The CAAP policy 22.

- 8.20 The applicant has provided photomontages of the proposed building that shows views of the proposed building in situ when taken from the bridge crossing the River Nene to the south of the application site and also looking south from two vantage points (Lloyds Bank and NB's) on Bridge Street within the town centre core and All Saints Conservation Area towards the application. It is noted that the views of All Saints Church Tower and St Sepulchre Church Spire would not be visible from the Far Cotton bridge at ground level, a distance of 150m from the application site. However, views of this structure would be made further back along London Road alongside from the Asda Supermarket and Delapre where the road rises up towards the Lancaster Way roundabout. It is noted that the photomontage shows the positions of the two church structures and shows they would only be viewable with a building on site at a height of 3 stories when viewed from Far Cotton Bridge and anything taller than that would obscure views at close distance. Whilst the loss of immediate views of the two structures at close quarters to the site is regrettable, this in itself is not considered a reason for refusal, particularly as longer distance views of the town centre core with prominent structures such as the church spire would still be maintained.
- 8.21 Furthermore, the views from the town centre (Bridge Street) as shown in the photomontage show that the building would not be visible from NB's nightclub and that only the upper floors (5<sup>th</sup> and 6<sup>th</sup>) would be visible within the wider roofscape looking southwards and would be seen in the context of other roofs within the urban area. This in itself is considered to be appropriate in terms of impact. On this basis, it is considered that the proposal would result in less than substantial harm to the wider conservation areas and the listed buildings within it and that the public benefits are the provision of significant levels of housing within a sustainable location, within an area that does not currently benefit from a 5-year housing land supply, ensuring a long-term viable use of the site, maintaining the vitality and viability of the town centre and would help to regenerate a gateway area to the town centre, all of which are considered to be sufficient to set aside this limited harm.
- 8.22 The proposal still allows for a 'landmark' building as outlined within policy 22 of the CAAP to the southern edge of Bridge Street adjacent to the locally listed bridge over the River Nene which could act as a gateway to the town centre.
- 8.23 It is also noted that no external finish materials have been specified at this outline stage as the appearance of the building, along with landscaping, is a reserved matter that would be dealt with separately.

#### Residential and Neighbour Amenity

- 8.24 The application proposes the provision of 112 no. apartments which would comprise of the following: 69 no. 1 bed units, 42 no. 2 bed units and 1 no. 3 bed unit arranged over 5 floors (the 6<sup>th</sup> floor being the ground floor level undercroft parking area and commercial space. All of the proposed units would meet or exceed the minimum floorspace requirements as outlined within the nationally described space standards.
- 8.25 The proposal would provide a shared amenity space at first floor level within a central, open atrium that would provide approx. 495sq.m of floorspace. In addition, the site is located within the town centre and within walking distance of amenity space, such as Becketts Park and the River Nene. It is, therefore, considered that sufficient amenity space is provided in this case.

- 8.26 Two no. enclosed refuse storage areas are proposed for the building and would be accessed from the both the undercroft parking area and the service yard area accessed from Bridge Street. It is considered appropriate to attach a condition to ensure that separate, dedicated refuse storage is provided for both the residential and commercial uses. In addition, a condition is proposed to ensure the refuse storage areas are provided prior to first occupation and an additional condition requires the submission and approval of a Waste Management to ensure appropriate management of refuse storage and that there is no adverse impact on surrounding amenity. Environmental health raises no objection in this regard.
- 8.27 The application site is located within an edge of town centre location and as such the neighbouring units are commercial in nature with residential dwellings to the rear of the site along Cattle Market Road. Whilst the application site would add habitable room windows to all sides, although this would be dealt with reserved matters stage, it is not considered that the outlook from these windows would result in an unacceptable relationship for a town centre location, with sufficient distance retained between the building and neighbouring windows on the opposite side of Cattle Market Road
- 8.28 In respect of surrounding commercial uses, 3rd party comments have been received raising concern regarding the potential impacts arising from the proposed development in respect of the use of the Malt Shovel Public House situated to the northern boundary of the site which has a license to hold late and live music events and which has an outside seating area adjacent to the proposed servicing area.
- 8.29 Paragraph 187 of the NPPF seeks to ensure that new development can effectively integrate with existing businesses, including pubs and music venues, and that these existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed.
- 8.30 An initial Noise Assessment and subsequent updated noise assessment to assess the Malt Shovel Public House has been submitted with the application and assessed by Environmental Health. The original Noise Assessment did not include an assessment of Malt Shovel Public House which it was understood was not trading/reduced levels of trading during the Covid-19 lockdown period. The updated assessment assessed the Malt Shovel in Summer/Autumn of 2022.
- 8.31 Public Protection has advised that there have been no noise nuisance/ public nuisance incidents on record in respect of the Malt Shovel Public House since 2014. It is however acknowledged that there is currently no particular concentration of residential uses within the immediate vicinity of the venue.
- 8.32 The development proposal includes residential accommodation with habitable rooms on all elevations. In order to ensure appropriate levels of amenity for proposed occupiers and that there are no unreasonable expectations placed on existing businesses in the vicinity to curtail their existing activities in relation to noise impacts, Environmental Health have requested that all windows to the Malt Shovel PH elevation are subject to acoustic glazing protection. Such details are considered to be necessary in this regard. Furthermore, it is considered necessary to impose a condition to secure a pre-occupation survey to ensure that the mitigation measures have been installed correctly so that they achieve the aims of reducing noise impacts upon future residents and adverse impacts upon nearby commercial uses.

- 8.33 It is therefore considered that any impacts arising from surrounding uses can be sufficiently mitigated such that there is no unacceptable adverse impact on proposed amenity or existing businesses within the area in accordance with policy requirements.

#### Highway Impacts

- 8.34 The application site is located within the CAAP area albeit in an edge of town centre location. The proposal would provide 41 no. onsite parking spaces within an undercroft location and would be accessed from the Cattle Market Road elevation using a new two-way access point. The Council's Highways department have been consulted on the proposal and have raised no objection to the proposal. It has been demonstrated that the estimated trip rates generated by the proposed development, when compared to the existing uses and trip distribution, would not have an undue impact on the local highway network. Furthermore, whilst the proposed 41 no. parking spaces is below the minimum standards, given the edge of town centre location, it is accepted that this is a reasonable level of parking provision. The highway authority does request the imposition of a planning condition to secure a Construction traffic management plan (CEMP) which is considered necessary and appropriate in relation to the scale and location of the proposed development.
- 8.35 In addition, the application proposes the provision of two cycle stores encompassing a footprint of 116sq.m which would both be accessed from the Cattle Market Road elevation, adjacent to the entrance lobbies. It is considered appropriate to attach a condition to secure the type of internal rack storage proposed and to also ensure that such provision is made prior to the buildings first occupation.

#### Crime Prevention

- 8.36 The Police Crime Prevention Design Advisor has been consulted on the proposal and whilst no formal objection has been raised, they have requested the imposition of planning conditions to secure security measures for the building and a management plan for the operation of the block. It is considered that such conditions are reasonable and necessary to ensure that future occupants are reside in safe and well managed accommodation.

#### Flooding and Drainage

- 8.37 The site lies within Flood Zone 3, albeit with flood defences, on the Environment Agency's Flood Map for Planning and is therefore at a high risk of flooding from main river sources. There is a watercourse approximately 150m to the south of the site (Rover Nene) and this is shown to flood and the Environment Agency Flood Map indicates that this does breach the site boundary. On this basis, the building has been designed so that all residential accommodation is at first floor level or above with parking and, servicing and commercial uses taking place at ground floor level only. The Environment Agency has been consulted and have raised no objections to the proposed development subject to a condition to secure that the development is undertaken in accordance with the submitted Flood Risk Assessment for the Bridge Street North scheme. It is considered relevant and necessary to secure such matters by planning condition.
- 8.38 The submitted drainage details outline that the current site (brownfield) is 100% impermeable with existing hard surfacing and buildings. The proposal seeks to provide a green roof to the proposed building of approx. 1400sq.m which would provide approx. 42% of permeable ground cover for surface water drainage. The

applicant has also indicated that foul water drainage would be dealt with using existing infrastructure on Bridge Street and Navigation Row subject to a separate application direct with Anglian Water.

- 8.39 The Lead Local Flood Authority has been consulted on the application and no objections have been raised, subject to conditions to secure a detailed surface water drainage design and a detailed scheme for the maintenance of the approved surface water infrastructure.
- 8.40 Anglian Water have been consulted and no objections have been raised. The most recent response from Anglian Water recommends the imposition of a surface water drainage condition so as to ensure that the proposal does not adversely impact upon environmental or residential amenity. It is considered necessary and reasonable to secure such details by planning condition.
- 8.41 The application is considered to comply with BN7A and BN7 of the JCS, Policy 7 of the emerging Local Plan 2 and guidance in the NPPF.

#### Other Matters

- 8.43 The Council's Archaeology officer requests a condition on archaeological works, which is considered reasonable to attach.
- 8.44 West Northamptonshire Council Key Services request conditions on fire hydrants and broadband. There is no planning policy basis to require such conditions and as such these are not considered reasonable to attach.

#### Financial Contributions

- 8.45 West Northamptonshire Council Key Services request a financial contribution towards libraries. There is no planning policy basis in the Northampton Area for the requirement of funds towards libraries and as such it is not reasonable for the Council to request such funding for this development.
- 8.46 Construction Futures request a contribution towards apprentice training and a training scheme on the site. This is considered reasonable to request through a S106 agreement.
- 8.47 The proposal currently proposes the provision of 112 no. apartments. As such, the provision of affordable housing as outlined under policy H2 is relevant. This policy requires the provision of 35% affordable housing provision (equivalent to 40 no. units) which should be provided for on site and if not possible off site (provision or financial contribution as a last resort). As part of the submission, the applicant has indicated that the scheme would be financially unviable if it were required to provide policy compliant affordable housing or other planning obligations relevant to the scheme (i.e., Public open space, education, etc.). A financial viability assessment has been submitted to demonstrate that the scheme would be unviable if any contributions were sought, including any affordable housing provision. The submitted viability assessment has been independently assessed by the authority's viability consultant and who has concluded that the scheme is unable to offer any form of affordable housing or any form of financial contributions.
- 8.48 The authority accepts the findings of the independent viability assessment and is of the view that the redevelopment of the site to provide significant levels of residential accommodation, albeit not in accordance with affordable housing policy, is



acceptable on this occasion as the authority is currently unable to demonstrate a 5 year housing land supply and that also sufficient justification, in the form of the independently assessed viability details, have concluded that the scheme would be unviable in this case.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is CIL liable and chargeable for residential development.
- 9.2 The proposed ground floor commercial space is CIL liable but for which there currently no charge as it would provide retail space within the CAAP area.

## **10 CONCLUSION**

- 10.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbouring amenity, the highway system, or crime and safety. Whilst the development will result in limited harm to the historic environment by virtue of the loss of views from far Cotton Bridge, this harm is assessed as being less than substantial and any harm would be outweighed by the public benefits of the scheme by ensuring a long-term viable use for the site and significant levels of housing. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, H1, H14, S1, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Polices 1, 2, 5, 16 and 22 of the Northampton Central Area Action Plan 2013.

## **11 RECOMMENDATION**

- 11.1 Approve, subject to conditions.

## **12 CONDITIONS**

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

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

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

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

- 3. The development hereby permitted shall be carried out in accordance with the following approved plans: SK115 North Block Rev C, SK100North Block Rev D, SK101 North Block Rev C, SK150 North Block Rev B, SK100 Existing Site Location Rev A.

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

- 4. The works of demolition hereby permitted shall not be carried out until details of the scheme for the carrying out of the works of redevelopment of the site hereby

permitted (including a timetable for these works) has been submitted to and approved in writing by the Local Planning Authority.

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

5. No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
  - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms (including Best Practice Measures contained within Section 6 of the submitted Dust Impact Assessment undertaken by Accon UK Limited, dated 1st October 2020, Report Ref: A/3391/CMP/01).
  - iii) Details of the siting of all vehicles of site operatives and visitors.
  - iv) The unloading and loading arrangements for heavy plant and machinery.
  - v) The location, extent and duration of any temporary stockpiling areas.
  - vi) Measures to prevent mud being deposited on the surrounding highway.
  - vii) Hours in which development will take place.
  - viii) Demolition methods.

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

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

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

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

- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 7 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8 above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, shall be submitted to, and approved in writing by the Local Planning Authority in accordance with Condition 9.

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

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

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

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

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

13. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy dated 23/08/2022 will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include
- i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
  - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
  - iii) cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices
  - iv) Flows to be restricted to 2l/s.

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

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

details of any drainage elements that will require replacement within the lifetime of the proposed development.

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

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

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

16. Prior to first occupation of the residential accommodation hereby approved, the secure cycle storage, as shown on plan K150 - Proposed Vehicular Access - North Block Rev B shall be provided on site and retained for the parking of bicycles by the occupants of the residential accommodation thereafter.

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

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

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

18. Prior to first occupation the noise mitigation scheme outlined within the Noise Impact Assessment Addendum undertaken by Sweco, dated 14 December 2021 – Document Reference: 65201962-ACO.REP2 and document reference LR02-20123-R0 Dated 21 October 2022 shall be provided in full on the site. The noise mitigation scheme shall thereafter be retained in a fully working condition.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

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

chimney, overhead gantry for services and relocation of existing car parking arrangements.

Reason: In the interest of residential amenity and to protect public health.

20. Above ground works on the Development hereby approved shall not commence until a scheme of sound insulation works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall be capable of achieving the following indoor noise levels:

General Environmental noise ingress:

- Habitable rooms (daytime): LAeq,16 hour of 35dB (0700 to 2300 hours); and
  - Bedrooms (night-time): LAeq,8 hour of 30dB (2300 to 0700 hours) and LAFmax,5min of 45dB no more than 10 times a night (2300 to 0700 hours).
- Night-time entertainment noise ingress:
- Bedrooms (night-time): Night-time entertainment noise ingress shall not exceed any of the three site-specific entertainment noise criteria defined in Section 2.6 (Page 11) of the Sweco report "33-39 The Drapery, Northampton: Noise Impact Assessment Addendum". These apply to noise from adjacent hospitality venues during the night-time.

The scheme of sound insulation works shall include a system of alternative acoustically treated ventilation to all habitable rooms where these indoor noise levels would otherwise be exceeded.

The scheme of sound insulation shall also account for noise ingress through mechanical ventilation duct routes into habitable rooms where this would otherwise result in the above indoor noise levels being exceeded. The building shall not be occupied until the sound insulation works have been implemented in accordance with the approved scheme and shall thereafter be permanently retained.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

