



Appeal Decisions

Site visit made on 23 January 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/W2845/W/23/3320709

Land at Bridge Street, Northampton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Collins against the decision of West Northamptonshire Council.
 - The application Ref is N/2020/1497.
 - The development proposed is outline planning application with all matters reserved except layout, scale and access for construction of up to 6 storey building providing up to 66 one and two bed flats and apartments (Use Class C3), commercial development (Use Class (a,b,c,d,e,f,g,i) and associated ancillary infrastructure.
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Decision

1. The appeal is allowed and outline planning application with all matters reserved except layout, scale and access for construction of up to 6 storey building providing up to 66 one and two bed flats and apartments (Use Class C3), commercial development (Use Class (a,b,c,d,e,f,g,i) and associated ancillary infrastructure at land at Bridge Street, Northampton in accordance with the terms of the application, Ref N/2020/1497, subject to the conditions in the Schedule of Conditions to this Decision.

Preliminary Matters

2. The appeal site forms one of two sites, in relation to which the appellant initially submitted two separate planning applications, both of which were refused by the Council and are the subject of separate appeals. Both development sites are located along Bridge Street. The development site to which this appeal relates to is identified by the appellant as the 'south block' and the other is identified as the 'north block.' I have dealt with the appeal in respect of the 'north block' under a separate decision.
3. The application is submitted in outline with all matters except for access, layout and scale reserved for future consideration. I have dealt with the appeal on this basis, treating any details of other matters shown on the plans as illustrative.
4. During the planning application stage, the main parties agreed to the change in the description of the proposal from that shown on the application form. My Decision reflects this.
5. Since the Council determined the application, the Northampton Local Plan Part 2 ('NLP Part 2') was adopted in 2023. This supersedes the Northampton Local Plan 1997 and Central Area Action Plan. Included within the amendments made, was an updated policy schedule. Accordingly, Policy 2 of the NLP Part 2 as referenced on the decision notice, is now Policy Q1.

6. Also, since the Council determined the application, an updated version of the National Planning Policy Framework, December 2023 ('the Framework') has been issued. I have consulted the main parties on this and had regard to any representations received.
7. Since the determination of planning application Ref N/2020/1497, which is the subject of this appeal, a subsequent planning application for the appeal site has been approved by the Council under planning application Ref WNN/2023/0325 ('the 2023 permission').
8. The Council acknowledges that there were no changes between the proposed plans refused as part of the application Ref N/2020/1497, and those allowed under the 2023 permission. Accordingly, the Council is not contesting the appeal.

Background and Main Issue

9. Notwithstanding that the Council is not contesting the appeal, based on its decision the main issue is the effect of the proposal on the character and appearance of the area, including nearby heritage assets.

Reasons

10. Irrespective of my Decision, the 2023 permission exists and can be implemented, subject to approval of reserved matters.
11. Even so, the Council and others have identified a number of designated heritage assets which could be affected by the proposal.
12. 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.
13. 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.
14. Therefore, I have a statutory duty to consider the proposal in light of the above legislative requirements.
15. Having visited the site and on the basis of the evidence before me, including the appellant's most recent Heritage Statement, I have assessed the proposal in relation to the heritage assets most likely to be impacted upon by the proposal.
16. St John's Hall and St John's Roman Catholic Church are two grade I listed buildings which form a group, and their significance arises from their architecture, their detailing, and their connected function .
17. Half way along Bridge Street, these buildings form a small intersection between Kingswell St and Bridge Street, with the associated green space of the church yard offering a change in the predominantly urban character. These buildings are relatively small with no spire. Therefore, their setting is focused on the

immediate surroundings. However, they do form a strong connection with the north end of Bridge Street leading into the city centre when looking towards the appeal site, because the road curves around these buildings they form a visual stop that is aligned with the topography.

18. The proposed building would be located south of these listed buildings. There are minimal sightlines between these and the appeal site due to the geometry of Bridge Street and intervening commercial buildings dominating the setting of these listed buildings and I am aware of no historic link between this site and those buildings. Therefore, the proposal's effect on setting of these listed buildings would not harm their significance.
19. The All Saints Conservation Area ('the CA') is located in the heart of the town centre, formed from the historic core of Northampton. The current street pattern significantly reflects Northampton's medieval history, reflecting historic burgage plots despite much of the medieval town and buildings destroyed in a fire in 1675. All Saints Conservation Area Appraisal highlights how Bridge Street has been a major arterial throughfare into the town centre throughout history, in the 17th century there was a gated entrance through the town wall which led to a bridge crossing River Nene located largely in the same place as the current bridge which is now used by vehicles and pedestrians alike.
20. The significance of the CA is largely due to its location as the historic core of Northampton, with large open streets and public squares. The architectural style is largely 19th century with many grand buildings in the centre built out of stone in classical styles then spreading out into brick on the secondary retail streets such as Bridge Street.
21. Whilst the appeal site is located outside the CA, Bridge Street formed a major historical entry/exit point to the town and the CA, therefore creates a strong historical relationship with the CA.
22. Because of its scale, the proposed development would be visible from points within the CA due to the rising topography of the town. In particular, the upper storeys of the proposed building would be visible above the roof line of the above mentioned listed buildings. However, mindful that the 2023 permission has already allowed the same scale and layout of development as proposed, the appeal scheme would have no greater harm on the significance of the CA.
23. For the above reasons, the proposal would not harm the significance of any designated heritage assets.
24. In relation to the other issues, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
25. Irrespective of the circumstances which led to the Council approving the 2023 permission and whether or not I find conflict with the development plan in respect of the main issue, the appellant already has outline planning consent for an identical scheme to that before me.
26. Therefore, this is a material consideration which justifies, the grant of outline planning permission, irrespective of whether or not the proposal accords with the development plan. Accordingly, it is not necessary for me to consider the effect of the proposal in respect of the character and appearance of the area

and its effect on any non-designated heritage assets and whether or not there is conflict with the development plan.

Other Matters

27. Whilst third parties have raised matters in addition to the main issue, these are irrelevant in light of the grant of the 2023 permission.
28. Conditions
29. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale conditions for the submission of reserved matters and implementation of the planning permission, I have imposed a condition specifying the approved drawings and documents, which is necessary in the interests of certainty.
30. Given the substantial scale of the development, a condition to minimise the disruption caused by construction activity on neighbours and the highway, by requiring a Construction Environmental Management Plan ('CEMP') is both necessary and reasonable. The CEMP could also deal with a timetable for the proposed redevelopment.
31. To safeguard visual amenity, I have specified conditions requiring details of existing and proposed ground levels and finished floor levels.
32. In the interests of health and safety, conditions requiring investigations to assess the nature and extent of any contamination of the site, a detailed remediation scheme and implementation of this, if required are necessary in the interests of health and safety and the quality of the environment.
33. I have specified a condition requiring a Parking Management Strategy to ensure the development would have an acceptable impact upon highway safety.
34. A scheme providing details of the measures to be incorporated into the development to meet the objectives of 'Secured by Design' is necessary to secure a satisfactory standard of development. A condition requiring a Written Scheme of Investigation is necessary to safeguard any archaeological interests of the site.
35. Conditions requiring a surface water drainage scheme and the maintenance of this are necessary to manage flood risk at the site and area. A condition requiring a Flood Evacuation Plan is necessary in the interests of the safety of future occupiers.
36. Conditions requiring the provision of secure cycle storage, a Travel Plan, and requirements to include details of a bus ticket for each residential unit, are all necessary for ensuring access to alternative modes of transport.
37. A condition ensuring the provision of commercial and residential refuse stores is necessary in the interests of living conditions and the satisfactory functioning of the development.
38. In the interests of the living conditions of the occupiers of the proposed development, I have imposed a number of conditions to ensure that the proposed noise sensitive uses are not affected by external sources of noise, including that associated with the permitted non-residential uses.

39. A condition requiring an air quality assessment and a condition requiring details of any system for the removal and treatment of cooking odours from any commercial catering kitchen associated with the permitted non-residential uses, are necessary to safeguard living conditions and reduce pollution.
40. I have specified a condition requiring details of sustainable construction, energy efficiency, including electric charging points, the provision for waste reduction and recycling and water efficiency / recycling. This is necessary to ensure energy efficiency and in promoting sustainable forms of development, which are required by national and local planning policy and supported by the submitted Design and Access Statement.
41. I have not specified the Council's suggested condition in respect of external lighting as this could be dealt with under the reserved matters.
42. Where necessary and in the interests of flexibility, clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

43. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of 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.
- 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.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents: S200 Rev A - Existing Site Location Plan, SK200 Rev E - Proposed Layout Plan Ground, 1st, 2nd and 3rd Floor – South Block, SK201 Rev D - Proposed Layout Plan 4th 5th and 6th Floors – South Block, SK 250 Rev C - Proposed Vehicular Access, Flood Risk Assessment -19020 Rev 03, Noise Impact Assessment, Preliminary Bat Roost Assessment - March 2023, Phase 1 Geo-Environmental Desk Study (40187-N-1).
- 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. Thereafter the development shall be carried out in accordance with the approved CEMP.
- 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.
- 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).
- 8) No development shall take place until 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 .

- 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.
- 10) In the event that contamination is found when carrying out the approved development that was not previously identified this must be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 7 above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 8 above, which shall be subject to the approval in writing from the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to and approved in writing by the local planning authority in accordance with Condition 9.
- 11) 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 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 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.
- 12) No development shall take place until 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.

- 13) Prior to the commencement of development hereby permitted, a scheme of measures for achieving the noise levels contained within BS8233:2014 (or any standard revoking and replacing that standard with or without modification) with regard to the residential units hereby permitted shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented prior to first occupation of the residential units and a post installation report shall be submitted to and approved in writing by the local planning authority. Thereafter the approved measures shall be maintained for the life of the development.
- 14) Prior to any works above lower ground floor slab level, a scheme providing details of the measures to be incorporated into the development to meet the objectives of 'Secured by Design' shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.
- 15) 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 August 2020 along with a timetable for its implementations shall be submitted to and approved in writing by the local planning authority. Thereafter the approved water drainage scheme shall be implemented in accordance with the approved details and timetable.
- 16) Before any above ground works commence, 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. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development. Thereafter the surface water drainage shall be maintained in accordance with the approved scheme.
- 17) Prior to first occupation of the residential accommodation hereby approved, the secure cycle storage, as shown on approved drawing: Proposed Vehicular Access SK 250 Rev D shall be provided on site and retained for the life of the development.
- 18) Prior to the occupation of the development hereby permitted, the commercial and residential refuse stores as shown on approved drawing: Proposed Vehicular Access SK 250 Rev D shall be provided and retained for the life of the development.
- 19) No above ground new development shall commence until a scheme of noise insulation between the permitted non-residential uses and the

residential units has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the relevant residential unit(s).

- 20) Prior to the occupation of any non-residential unit hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, are to be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.
- 21) Prior to the occupation of the commercial units hereby permitted, a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the living conditions of residents shall be submitted to and approved in writing by the local planning authority. Thereafter any approved measures shall be provided in accordance with the approved details and maintained for the life of the development.
- 22) Prior to the occupation of the development hereby permitted, a Travel Plan, to include details of a bus ticket for each residential unit and the implementation of this shall be submitted to and approved in writing by the local planning authority. Thereafter the Travel Plan shall be implemented in accordance with the approved details.
- 23) Prior to the occupation of the development hereby permitted, a Flood Evacuation Plan and details for its implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the Flood Evacuation Plan shall be implemented in accordance with the approved details.
- 24) Prior to the occupation of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall include details of the allocation of parking for residential units, commercial units and visitor spaces. Thereafter the Parking Management Strategy shall be implemented in accordance with the approved details.
- 25) Prior to the occupation of the development hereby permitted, a scheme demonstrating how the development will incorporate energy efficiency (including electric vehicle charging points), provision for waste reduction and recycling and provision for water efficiency and recycling shall be submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented prior to the first occupation of the development hereby permitted and retained for the life of the development.