



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 A Ref: APP/W2845/W/23/3320710

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/2020/1474.
 - The development proposed is outline planning application with all matters reserved except layout, scale and access for construction of a 6 storey building providing up to 112 one, two and 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.
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Decision

1. The appeal is allowed and outline planning permission with all matters reserved except layout, scale and access for construction of a 6 storey building providing up to 112 one, two and 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 at land at Bridge Street, Northampton in accordance with the terms of the application, Ref N/2020/1474, 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 'north block' and the other is identified as the 'south block.' I have dealt with the appeal in respect of the 'south 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 Council's decision, 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.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, including nearby heritage assets.

Reasons

8. The appeal site ('the site') comprises a rectangular parcel of land, which lies south of Northampton town centre. At present, the site is occupied by various commercial buildings, including some which are not in use. With the exception of its northern boundary the site is bounded by roads and is located along Bridge Street, which is an arterial route in and out of the town centre. As such, the site is particularly prominent.
9. The area immediately surrounding the appeal site is predominantly commercial in character. The northern boundary of the site is adjacent to the Malt Shovel Public House which is a two-storey building that faces Bridge Street.
10. The public house is attached to a commercial building with a slightly lower ridge height than the public house. This commercial building like others within the appeal site is of little architectural merit and therefore the contribution of this and the wider site towards the appearance of the area is limited.
11. In the proposed scheme, although the overall scale of the proposed building is substantially larger, there would be some physical separation introduced by a new service yard between this and the public house. Beyond the service yard, to manage the scale of the proposed building relative to the public house, this would be three storeys high with a flat roof, and then steps up to four and five stories. This arrangement would provide some relief to the relatively modest scale of the public house.
12. To the west of the site is the Carlsberg UK Head Office ('Carlsberg site'). This occupies a substantial area between the A5123 and the River Nene. Directly opposite the site is part of the yard area associated with the Carlsberg site. This yard area is screened by substantial trees and an office block. The office block is about 16m in height. The Carlsberg site also incorporates taller silos that are a prominent feature within the site and immediate area.
13. Despite the considerable height of the Carlsberg office building, the proposed building would be taller. This, combined with its overall footprint and massing would make this a particularly dominant new building.
14. However, at ground floor the proposed building incorporates commercial units along its Bridge Street frontage. These would be interspersed by an area shown for landscaping and public realm improvements. Furthermore, based on the proposed layout the Bridge Street elevation incorporates projecting and recessed sections. Whilst appearance and landscaping are reserved matters, these design interventions provide opportunities to complement and enhance the wider street scene. Although concerns have been raised about the quality of the proposed elevations, these are only illustrative at this stage. As such, the appearance of these elevations would be decided at reserved matters stage.

- and I see no reason why these could not be of high quality architecture and design.
15. To the eastern side of the site lies Cattle Market Road which forms part of the gyratory road system. Beyond this is the Morrison's supermarket. This site incorporates a large surface car park and the supermarket building. In particular, on the opposite side of the appeal site is the blank façade of the supermarket building, which is located behind a landscaped buffer.
 16. Nevertheless, this is a particularly inactive frontage. To this end, the proposal includes lobby entrances to the residential accommodation along the Cattle Market Road frontage and an area has been identified for some landscaping. Again, through reserved matters these areas and upper floor elevations could be enlivened through high quality design to positively contribute to enhancing the street scene. The proposal would also introduce windows at first floor level and above along this elevation. These would improve overlooking and surveillance of this area.
 17. Indeed, Policy Q1 of NLP Part 2, amongst other things requires that buildings' façades create character and visual interest and the use of high quality and durable materials. Although opportunities for landscaping are limited relative to neighbouring sites. The proposed layout still allows for more planting than exists at the site at present. Also, the footprint of the sixth storey is recessed from the elevations of the fifth storey to mitigate the overall scale of the proposed building.
 18. Most notably, to the south of the appeal site is the south block.' Subsequent to the refusal of the scheme before me, planning permission has been granted for development on this site. This comprises a 6 storey, predominantly residential development of 66 apartments.
 19. Drawing on the above reasons, although the proposed building would be larger and more dominant than those nearby, the expanse, layout and landscaping of the adjoining land, in particular the Carlsberg site and the Morrison's supermarket, would assist in absorbing the scale of the proposed building. Moreover, the proposed layout and matters which are reserved, would provide an opportunity to secure a high quality building which could be designed to enhance the character and appearance of the area.
 20. The Council and others have also identified a number of designated and non-designated heritage assets which could be affected by the proposal.
 21. 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.
 22. 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.
 23. 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.

24. St John's Hall and St John's Roman Catholic Church are two grade I listed buildings which form a group, due to their connected function and historic significances.
25. Half way along Bridge Street, these buildings form a small intersection between Kingswell Street and Bridge Street, with the associated green space of the church yard offering a change in the predominantly urban character. The 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.
26. 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. Therefore, the setting of these listed buildings would not be harmed by the proposal.
27. 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 burgrave 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 thoroughfare 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.
28. 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.
29. 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. I have already found that the scale of the proposed building would be appropriate given its context and the approved development at the south block. Furthermore, subject to reserved matters, the commercial uses would create a more engaging and active frontage to Bridge Street; and secondly by improving the urban public realm making the route more attractive.
30. Nevertheless, because of its scale, the proposed development would be visible from points within the CA due to the rising topography of the town.
31. In particular, the upper storeys of the proposed building would be visible above the roof line of the above mentioned listed buildings. Even so, the upper storeys would be at a distance and would be viewed against the backdrop of the wider townscape of Northampton. Subject to careful attention to design and materials, I see no reason why these cannot be designed to enhance the

townscape. As such, the proposal would not harm this view from the CA. In reaching this conclusion, I am mindful that the Council has already approved a development of a similar height on the south block, to the south of the above listed buildings.

32. The Council has identified the South Bridge and the Latimer & Crick Warehouse as locally listed heritage assets. The significance of these is derived from their history, architectural forms and appearance. In accordance with the Framework and Planning Practice Guidance, these have a degree of significance meriting consideration in this decision.
33. In views from the south along Bridge Street, the proposed development would alter the current setting of the South Bridge and the Latimer & Crick Warehouse, creating a more built up and urban appearance that will also obscure the distant townscape visible upon entering Northampton from this direction. This includes partial views of the All Saints and Holy Sepulchre Church.
34. The proposed building would also compete visually with these non-designated heritage assets. However, this could be addressed through the careful design and materiality under the subsequent reserved matters, to distinguish it as a complementary gateway development.
35. However, the effects of the proposal on the distant townscape are unlikely to be mitigated through design. Nevertheless, as already stated, the Council has approved a development of a similar height on the south block. In particular, if the south block is developed in accordance with the extant planning permission, this would largely obscure development at the appeal site in views from the south.
36. In light of the above reasons, and having regard to paragraph 209 of the Framework, whilst the proposal would indirectly affect these non-designated heritage assets, in my judgement, the scale of any harm is not sufficient to warrant refusal of this appeal.
37. The proposed building would be located to the southern extent of the town centre and views of this would be available from various vantage points to the south of the site and from within the town centre. However, whilst the proposed building would be appreciable from such views, this would be against the backdrop of the wider Northampton townscape, and therefore would not result in any harm.
38. For the above reasons, and in so far as this proposal relates to the matters before me (scale, layout and access), this would not harm the character and appearance of the area or any heritage assets.
39. As such, I find no conflict with Policy Q1 of the NLP Part 2, the overarching aim of which is that development should be designed to promote and contribute to good placemaking through high quality, beautiful and sustainable design which encourages the creation of a strong, locally distinctive sense of place.
40. I also find no conflict with Policy H1 of the West Northamptonshire Joint Core Strategy ('CS'). This Policy requires that new housing development will provide for a mix of house types, sizes and tenures to cater for a range of groups. That such housing developments make the most efficient use of land having regard to a number of factors including, the location of the site, existing character and

density, accessibility to services, facilities and public transport routes and the living conditions of residents and neighbours.

41. Also, the proposal accords with Policy BN5 of the CS, which requires that designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative contribution.
42. Subject to some of the proposed conditions, the proposal would be consistent with the aims of Policy S10 of the CS. This Policy seeks to achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place.

Other Matters

43. In addition to the above matters, third parties have raised concerns relating to the suitability of the site's location for residential accommodation and the range and quality of accommodation proposed, highway impacts and flood risk implications. These matters were addressed in the Council's assessment of the proposal, which subject to certain conditions was found to be acceptable in respect of these. I have also considered these matters and I have no reason to take a contrary view.

Conditions

44. 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.
45. 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.
46. To safeguard visual amenity, I have specified conditions requiring details of existing and proposed ground levels and finished floor levels.
47. 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.
48. I have specified a condition requiring a Parking Management Strategy to ensure the development would have an acceptable impact upon highway safety.
49. 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.
50. 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.

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. I have not specified the Council's suggested condition in respect of external lighting as this could be dealt with under the reserved matters.
57. Where necessary and in the interests of flexibility, clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

58. 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(s) 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: S100 Rev A - Existing Site Location Plan, SK100 Rev D - Proposed Ground, 1st and 2nd Floor – North Block, SK101 Rev C - Proposed Third to Fifth Floor North Block, SK150 Rev B - Proposed Vehicular Access North Block, Flood Risk Assessment - 19020 Rev 03, Noise Impact Assessment, Preliminary Bat Roost Assessment - March 2023 and 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 North Block - SK150 Rev B 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 North Block - SK150 Rev B 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.