



Planning Committee Report

Application Number: WNN/2022/0301

Location: Car Park
College Street
Northampton
Northamptonshire

Development: Erection of purpose-built student accommodation, with landscaping and associated works

Applicant: The Zone Pension Trust

Agent: Scott Hobbs Planning

Case Officer: Nicky Scaife

Ward: Castle Unitary Ward

Reason for Referral: Major application

Committee Date: 11 July 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT APPROVAL IN PRINCIPLE SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE FOLLOWING:

- CONTRIBUTION TOWARDS SOCIAL VALUE / CONSTRUCTION TRAINING

AND SUBJECT TO THE CONDITIONS AS SET OUT BELOW WITH DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR FOR PLANNING TO APPROVE ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY.

Proposal

The application proposes the redevelopment of the site for purpose-built student accommodation with 101 bed spaces within a four and five storey building along with landscaping and associated works at College Street, Northampton.

Consultations

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

- Conservation

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

- Public Protection
- Ecology
- Anglian Water

- TCCAAC
- Highways
- Police
- Development Management (Contributions)
- Construction Futures

The following consultees are **in support** of the application:

- Northampton Town Council

The following consultees have **raised concerns** on the application:

- WNC Planning Policy

4 no. letters of objection (3 from one objector) have been received and zero letters of support have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of Development
- Design and impact on character and appearance of the street scene and Heritage Assets
- Residential and Neighbour Amenities
- Agent of Change Principle and Noise Considerations
- Public Sector Equality Duty
- Crime Prevention
- Planning Contributions

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 located within Northampton Town Centre on the western side of College Street and was previously used as a surface level car park but is currently used as a site compound associated with the redevelopment of the former Debenhams site to the east. To the south of the site is a Grade II listed Church (New Testament Church of God), to the north is the Boston Clipper Public House, and to the west is St Katherines Gardens. To the east lies the public highway and the rear of buildings fronting the Drapery, including the former Debenhams Department Store which is currently undergoing development for student accommodation.

2 CONSTRAINTS

- 2.1 To the south of the site is a Grade II listed building currently known as the New Testament Church of God accessed from College Street.
- 2.2 The application site itself is not listed or locally listed.
- 2.3 The site is located adjacent to, but outside of the All Saints Conservation Area – the boundary falls along College Street to the east of the site.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application proposes the redevelopment of the site for purpose-built student accommodation with 101 bed spaces within a four and five storey building along with landscaping and associated works.
- 3.2 The living accommodation is spread over the following floor levels
 - Ground Floor – 14 units
 - First Floor – 15 units
 - Second Floor – 24 units
 - Third Floor – 24 units
 - Fourth Floor – 24 units

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal.
- 4.2 The adjacent site fronting onto Drapery and backing onto College Street is currently undergoing development as follows:

N/2021/0009 – Debenhams, 33 - 39 Drapery – Demolition of existing building and redevelopment of site for purpose-built student accommodation and ground floor/basement retail unit with landscaping and associated works – Approved, 22nd February 2022.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development that affects the setting of a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

- 5.2 Development Plan

West Northamptonshire Joint Core Strategy (Local Plan Part 1)

- S1 – The distribution of development
- S3 – Scale and distribution of housing development
- S10 – Sustainable Development Principles
- C2 – New developments
- H1 – Housing density and mix and type of dwellings
- BN5 – Historic Environment
- BN9 – Pollution control
- INF1 and 2 – Infrastructure delivery
- N1 – The Regeneration of Northampton

Northampton Local Plan Part 2 (2011-2029)

- Policy SD1 – Presumption in favour of sustainable development
- Policy Q1 – Placemaking and Design
- Policy Q2 – Amenity and Layout
- Policy ENV6 – Protection and enhancements of designated and non-designated heritage assets
- Policy MO4 – Parking Standards
- Policy RS1: Supporting Northampton town centre's role

5.3 Material Considerations

National Planning Policy Framework (NPPF)

Section 6 – Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed and beautiful places
Section 16 – Conserving and enhancing the historic environment
Paragraph 193 – impact of development on existing business (agent of change)

West Northamptonshire Local Plan - 2041 (Regulation 18) Consultation Draft April 2024

A Regulation 18 version of a local plan for the whole of West Northamptonshire was published for consultation between 8th April and 2nd June 2024. Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans subject to the following three considerations:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As the local plan is still in the early stages of preparation, policies in it can be a material consideration, but its policies can only be afforded limited weight at this stage.

The policies of particular relevance to this application are:

Policy S1 – Spatial Strategy (Distribution of Development)
 Policy PL1 – Sustainable design and construction
 Policy PL2 – Air Quality
 Policy PL5 – Flood Risk
 Policy PL6 – Placemaking
 Policy PL7 – Design and Amenity
 Policy PL9 – Health and Wellbeing – Health Impact Assessments
 Policy N9 – Spatial Strategy for Northampton (Principal Urban Area)
 Policy N2 – Northampton, Defining the Roles of the Town Centre and the Central Area
 Policy HO10 – Student Accommodation
 Policy BN1 – West Northamptonshire’s Historic Environment
 Policy BN2 – Designated Heritage Assets
 Policy BN10 – Biodiversity Net Gain
 Policy BN18 – Ground Instability
 Policy TR1 – Sustainable Transport

- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out crime in Northamptonshire SPG (2004)

6 RESPONSE TO CONSULTATION

6.1 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
WNC Conservation		<p>Materials would need to be conditioned as part of any application. There is potentially some merit in using buff coloured bricks, but due to the scale and massing of the structure it is unlikely to blend in.</p> <p>- The proposal to set the boundary to the student accommodation back behind the line of the church is welcome. The use of a bespoke fence for the area is also welcome, but details / sample would need to be included. This will help to mitigate the impact on the immediate streetscape surrounding the chapel.</p> <p>· The information provided on the boundary treatment to St Katherine’s Churchyard is ambiguous. The plans show a railing physically attached to a new / repaired stone boundary wall, but the note on the drawing states ‘This page shows the fence on the West Elevation facing St Katherine’s churchyard. This would be a more</p>

		<p>standardised fence which would be built off the existing wall where we would make repairs where necessary to reinstate the stone wall'.</p> <p>- Concerns were raised over the bulk and scale of the proposed development along College Street and that the views of the Baptist Church from the north of College Street would be entirely lost. A study to explain how any building within the original footprint from the historic maps, would still disguise the church from the north of College Street has been undertaken. The additional information is welcome as it is always difficult to appreciate the real life impact from a 2D drawing. It is appreciated from a study of the models that the view from the north will be less impacted than anticipated by the differing storey heights, but the models do make it clear that there will be a significantly additional impact from the additional massing at the immediate street level. The concerns raised by the original Conservation Officer 'I consider that the bulk and scale of the proposed development would be intrusive in views along College Street and would dominate the adjacent chapel, which is the principal landmark in the street, harmful to its setting' remain and the amended plans (without the setback along College Street) are still considered to cause additional harm. The objection from Conservation has not been removed by this information.</p>
<p>Town Centre Conservation Area Advisory Committee</p>		<p>The Northampton Town Centre Conservation Areas Advisory Committee has reviewed the revised application and considers that it is an improvement. It will provide a sense of enclosure giving the area less of a feel of a service road. The relationship with the chapel is important and it was suggested that it is sufficiently separated from the chapel, although there was still some concern expressed about the height. Materials are important. e.g. Buff bricks may be more appropriate on the St Katherine's churchyard elevation to tone in with the ironstone wall.</p> <p>Committee continues to be concerned</p>

		regarding use as student accommodation in view of the hundreds of units already given consent in the vicinity.
WNC Ecology Officer		<p>I'm satisfied that biodiversity impacts should be negligible. Given the habitats on site the proposed amenity planting should be sufficient to deliver a net biodiversity gain.</p> <p>The proposed building height offers an opportunity to provide new nesting places for swifts and bats. Swifts nest in colonies so I would suggest a group of 10-20 integrated swift bricks would be ideal high up on the western or northern elevation. Integrated bat bricks would be welcome on the south or east elevation, perhaps associated with the terraces. Ideally these would be secured by condition.</p>
WNC Public Protection	No Objection – subject to conditions	<p>Original comments:</p> <p>No objection subject to conditions;</p> <ul style="list-style-type: none"> - Air Quality Neutral/Mitigation - Air Quality – Construction Dust Assessment - Construction Environmental Management Plan (CEMP) - Noise Ingress - Building Services Control - Land Contamination/Remediation - Unexpected Contamination - Waste Management Scheme - Construction / Site Delivery Times <p>Updated comments:</p> <p>(following further Noise Assessment and consultation with and review of report from external Noise Consultant (WBM Acoustic Consultants) engaged by the Council):</p> <p>Environmental Health have reviewed the WBM report and the report findings are accepted.</p> <p>The report states that in light of further discussions since August 2023 with the applicant's noise consultant, WBM consider the application could be approved subject to agreement of suitably worded conditions covering</p>

		<p>building services, external noise ingress, acoustic commissioning and provision of masking noise.</p> <p>Environmental Health agree with such comments and suggest robust conditions covering all points detailed within Section 10.5 of the WBM report, as appropriately worded pre-commencement and pre-occupation conditions, to ensure an adequate level of mitigation is afforded to future occupiers' from the operations of the Boston Clipper PH and for a reasonable internal ambient noise environment to be achieved.</p>
Northampton Town Council		Supports the proposal. Development seen as positive and would reduce the need for HMO's in the town.
WNC Policy Team		<p>The principle of developing student accommodation on site is considered acceptable. However, the height and scale of the building does not contribute positively to local distinctiveness and could have an adverse impact from a heritage perspective on adjoining heritage assets.</p> <p>No objection, subject to resolution on matters associated with height, scale, bulk and heritage.</p> <p><i>Officer note: No further comments received on revised scheme.</i></p>
Anglian Water		No comment
WNC Highways		<p>- Bus ticket should be provided – 1 per unit.</p> <p>As the proposed building is within 1m of the highway boundary, the following conditions must apply:</p> <ul style="list-style-type: none"> - Foundations do not encroach or undermine the highway, and the LHA would require full engineering and structural details to that effect. In practice, this will require the cantilever foundations, so they don't affect the highway infrastructure. - Building drainage, pipes, eaves, sills, outward opening windows, fenestrations or anything else attached to the building (e.g..Gas meter), must not encroach upon or overhang the

		highway. - Condition to secure construction traffic management plan.
West Northamptonshire Council Key Services		Request contributions towards libraries and condition on broadband.
Northamptonshire Police		The design of the fencing and gate for the secure fence line from College Street is fine as far as it goes. I approve of the electronic access. To prevent persons climbing over the gate and the fencing a discreet 'topping' of something to make sitting astride it uncomfortable is recommended. It does not need to be hostile in nature or visually offensive but just leaving it flat is not recommended. The fencing which will protect the rear boundary from the park needs to be suitably positioned so that the existing wall cannot be used as a climbing aid to help persons over the top of the new fence. Again a 'topping' on the top of the fence would be helpful in deterring climbing.
Construction Futures		Request a contribution of £7,070 towards construction training on the site and a construction training scheme to provide 140 training weeks

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 Three letters of objection from two objectors have been received, the comments of whom can be viewed in full under the application details on the website.

The comments are summarised as follows:

- The unacceptable impact upon the continued operation of an adjacent public house/entertainment LGBTQIA+ venue.
- The visual impact of the development in its locality and detrimental impact on the aesthetics of the area and the character of College Street
- Its impact upon adjacent residential accommodation.
- The impact of the development upon the character and appearance of the adjoining conservation area and adjacent listed building.
- Proposals fail to set out how a satisfactory living environment will be achieved for future occupiers
- Inadequate information provided by the Noise Report despite additional information provided.

- The need for further accommodation is not accepted in this location.
- Loss of parking provision.
- Increased noise impacts – and potential conflict of church use with residents; detrimental impact on tranquillity of the Mews, Church and churchyard – impact during times of reflection and prayer on church users and potential impact on proposed student residents during church service times and times of jubilation.
- Insufficient security to cope with inevitable increase in anti-social behaviour
- No need for further student accommodation in area.

7.2 In addition to the above, a further objection including a Legal Opinion from Counsel on behalf of the adjacent business, the Boston Clipper Public House, was received on 3rd October 2022 following publication of the original committee report for this application.

7.3 In summary, the Legal opinion concluded that the report had not adequately addressed the issues pertaining to the Agent of Change, and the potential impact of the development proposal upon the Boston Clipper Public House, that in respect of the proposed conditions in respect of noise mitigation measures to protect the future operation of the Boston Clipper Public House it would be first necessary to demonstrate that the measures are capable of achieving suitable noise reduction levels in principle; and that the report did not sufficiently address the Council's Public Sector Equality Duty (PSED).

7.4 Following receipt of the above, the application was withdrawn from the Committee agenda for 4th October 2022 and the Council has subsequently referred the matter to Counsel and sought further advice from an external independent Noise Consultant. These matters are discussed in detail below.

8 APPRAISAL

Principle of Development

8.1 The application proposes the erection of a new building of 4 and 5 stories forming a student halls. The proposed student halls would provide 101 x 1-bedroom studios (self-contained with en-suite and cooking facilities), and 5 no. of these would be accessible studios for those with disabilities. In addition to the student bedrooms, the proposed scheme provides a number of shared spaces for the students, with a lounge, 2 no. roof terraces, gym/amenity space, and central courtyard, alongside a laundry and bin and cycle stores. A front entrance to College Street is proposed with a reception area and offices for the management of the student halls.

8.2 Policy N1 of the JCS seeks to support the regeneration of Northampton. Policy RS1 of the Local Plan reflects this aim to support proposals and schemes in the town centre which contribute positively towards the range of retail, leisure and service-based offers and the town's regeneration. In particular, schemes which provide a balanced mix towards meeting the requirements for town centre uses and housing delivery whilst respecting and enhancing heritage assets will be welcomed.

8.3 The proposal would result in an increase in the number of people residing within the town centre, which is consistent with the strategic objectives to repopulate the town centre and provide a mix of uses. Given that the proposed development would be for bespoke student accommodation, it would not add to the Council's housing land supply, however, the development may reduce the demand for alternative sources of student accommodation, such as Houses in Multiple Occupation, elsewhere within the locality reducing the pressure on the need for conversion of existing dwellings. As such, the

proposal would support the provision of a mixture of house types across Northampton, as required by planning policy.

- 8.4 Comments have been received in respect of the need for student accommodation within Northampton. The applicant has forwarded correspondence from Northampton University advising that "based on UON's future profiling of student accommodation requirements, we believe there will be an additional need for purpose built student accommodation in Northampton Town Centre" and that the applicants "current model and development would appear to meet the criteria of suitable student accommodation within that context."
- 8.5 The proposal would result in the loss of a private car park which was previously open for public use subject to a fee. The car park has been closed for some time however for use as a construction compound associated with the development of the former Debenhams Department Store for student accommodation by the same developer which is nearing completion. Whilst the permanent loss of the car park is regrettable, the town centre is well served by public car parks, many within a short walking distance of the site, such as the Grosvenor Centre car park. Furthermore, the operator of the car park is free to close the car park or change its availability to the public at any time. On this basis, it is considered that the loss of the car park would not be a sustainable reason for refusal in this case.
- 8.6 The proposal would regenerate a prominent site in the town centre and adjacent to the Conservation Area, providing purpose built student accommodation in a sustainable location which would additionally contribute towards the vitality and viability of the town centre and in accordance with planning policy. As such, the principle of the development as proposed is accepted.

Design and impact on character and appearance of the street scene and Heritage Assets

- 8.7 The site is located adjacent to, but outside of the All Saints Conservation Area and adjacent to a grade II listed building, specifically the New Testament Church of God, both designated heritage assets.
- 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.
- 8.9 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.
- 8.10 Paragraph 207 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.
- 8.11 Policy Q1 of the Local Plan seek to ensure development amongst other considerations is designed to promote and contribute to good placemaking through high quality,

beautiful and sustainable design; sustains, protects and enhances heritage assets; and ensures that buildings' form, massing and facades create character and visual interest.

- 8.12 Policy ENV6 of the Local Plan requires development proposals to conserve and enhance the historic environment.
- 8.13 At present, the site is undeveloped. The proposed building would comprise of two distinct blocks with a central communal area that links the two buildings into one structure. The 4 storey element would face onto College Street with the larger 5 storey portion to the rear of the site on its boundary with St Katherines Gardens to the west of the site, with a presence also onto College Street. The scheme has been amended to reduce the building from the originally proposed 6 storeys height.
- 8.14 In respect of the proposed design as originally submitted, the Conservation Officer advised the bulk and scale of the proposed development would be intrusive in views along College Street and would dominate the adjacent Grade II listed chapel, which is the principal landmark in the street, and would therefore be harmful to its setting. Following the Conservation Officer's concerns, the design and scale of the scheme has since been amended to provide a stronger active frontage at ground floor level, reduce the scale of the building to 5 stories as a maximum, reducing the maximum height from 19m to 16m, and to also amend the overall design of building to provide a more distinctive and interesting design that is considered sympathetic to the surrounding context which is varied in character.
- 8.15 A contemporary design is proposed, with facing red brickwork (white bricks facing the courtyard to maximise light), metal window reveals in a Champagne/Bronze colour to mirror the colour of the metal cladding that would be used on the upper most floors of each block (i.e. 4th and 5th floors). This approach would be used on both elevations facing College Street and St Katherines Gardens and is considered to be an appropriate design solution in this location and would also complement the currently under construction student accommodation scheme on the Drapery that uses a similar design language.
- 8.16 Whilst it is acknowledged, that the Conservation Officer remains concerned regarding the impact of the amended proposal in respect of the massing and lack of setback on College Street and the impact on the adjacent listed chapel, Officers consider that on balance the proposed elevation for College Street would be an improvement to the previous use as a surface level car park, the boundary treatments of which were in a state of disrepair prior to the compound use. It is considered that the building would provide some active frontage with a large student lounge window and entrance point along College Street and would provide a building of a high design standard in its place. Furthermore, it is considered that the proposed building would provide an enhancement to the area by bringing an underutilised site back into use and elevating College Street to one of a main throughfare rather than a service road to the rear of the Drapery as it currently appears.
- 8.17 A study to explain how any building within the original footprint from the historic maps, would still disguise the church from the north of College Street has been undertaken and submitted by the applicant which provides an assessment within its context on how the proposal would sit within the streetscene. Furthermore, the Conservation Officer states that it is appreciated from a study of the models that the view from the north will be less impacted than anticipated by the differing storey heights, but the models do make it clear that there will be a significantly additional impact from the additional massing at the immediate street level. However, Officers are of the view that the provision of any building on site is going to have a materially greater impact than the

current situation where no building exists on site and as such, it is instead an assessment to ensure that any building located on site is of an appropriate scale and of a high design standard that elevates the surrounding context. In this case, it is considered that the reduced scale of the proposal along with this high design quality and positioning on the site away from the adjacent listed building results in a scheme that positively impacts upon the streetscene, provides an active frontage in a 'backland' thoroughfare and would positively impact upon the setting of the adjacent listed building and upon the character and appearance of the adjacent All Saints Conservation area.

- 8.18 The applicant has also provided further details regarding boundary treatments that would form part of the proposal. The front portion of the site would provide a courtyard that whilst could be viewed from College Street, would be secured for access to residents only by fencing and access gates. Given the sites location on the boundary of the conservation area and adjacent to a listed building it was considered imperative that the boundary treatments in this location were of high design quality and of a distinctive nature.
- 8.19 The proposal seeks to set the boundary to the student accommodation back behind the line of the church which is considered to be an appropriate approach and is welcomed by the Conservation Officer. The Conservation Officer also contends that the use of a bespoke fence for the area is also welcome, but details / samples would need to be sought as this would help to mitigate the impact on the immediate streetscape surrounding the chapel. Such details can be secured by planning condition. In addition, it is considered that the information provided on the boundary treatment to St Katherine's Churchyard is ambiguous. The plans show a railing physically attached to a new / repaired stone boundary wall, but the note on the drawing states 'This page shows the fence on the West Elevation facing St Katherine's churchyard. This would be a more standardised fence which would be built off the existing wall where we would make repairs where necessary to reinstate the stone wall'. Again this point of clarification can be addressed through planning condition.
- 8.20 Materials proposed include a mix of facing brick and light-coloured metal cladding to the inset top floor levels to both the College Street and St Katherine's Garden elevations. Notwithstanding the submitted details, specific details of materials and samples would be agreed by condition to ensure a high quality development is delivered.
- 8.21 As such and on balance, it is considered that the development proposal would result in less than substantial harm to heritage assets and that the amended design and appearance are acceptable and that the public benefits of the development in bringing an underutilised site within the town centre back into use and the provision of purpose built student accommodation outweigh any harm identified.

Proposed Residential Amenity

- 8.22 Policy Q2 of the Local Plan advises that development will be required to create and protect a high standard of amenity for occupiers. Amongst other considerations, new development should not be overbearing on existing buildings or open spaces, should provide a satisfactory standard of outlook and visual amenity from within building, and ensure there are adequate facilities for the storage of refuse and recycling.
- 8.23 The application proposes the provision of 101 studio student flats, 5 no. of these would be accessible studios (30sq.m) (1 no. to each floor with lift access).

- 8.24 The Council does not have a policy regarding the minimum size requirements for student accommodation within Northampton. It is considered, however, that the room sizes proposed (between 20-23sq.m) are sufficient for the intended use, being of a similar size to other student accommodation approved within Northampton and all rooms are provided with sufficient light and outlook.
- 8.25 The proposal provides a shared amenity space at ground floor level and a shared terrace space at first floor and roof level for the student occupiers, alongside a number of internal shared spaces with a lounge, laundry, and gym/amenity spaces. In addition, the site is located within the town centre and within walking distance of amenity space, such as St Katherines Gardens, Becketts Park and the River Nene. It is, therefore, considered that sufficient amenity space is provided.
- 8.26 An enclosed refuse storage area is proposed for the student accommodation fronting onto College Street with additional internal access within the complex. 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 Plan to ensure appropriate management of refuse storage and that there is no adverse impact on surrounding amenity. Public Protection raise no objection in this regard.
- 8.27 The application site is located within the town centre, and as such the majority of neighbouring units are commercial in nature. There is, however, a residential unit at first floor within the adjacent public house venue to the north of the site. Concerns have been raised by the occupiers that the proposal, due to its scale and position within the site, would adversely impact upon residential amenity associated with the living accommodation, with particular reference to outlook and light levels. The proposal would result in a blank elevation towards the adjacent public house and would not result in the provision of any habitable room windows overlooking this elevation so that no overlooking or loss of privacy would occur which is welcomed. The proposal due to its scale with a mixture of 1, 4 and 5 stories would present a side elevation wall at a distance of approx. 16m away from the southern elevation windows which serve the habitable rooms of a bedroom and dining room.
- 8.28 The proposal would result in a building in a position where there is currently none and it is agreed that outlook from these windows would change along with a change in light levels. However, the scale of and position of the building is considered appropriate in this case with a 16m distance between the affected windows and side elevation wall with a view over a flat roof. This is considered typical of a town centre/urban location. It is therefore considered on balance that the proposal, whilst resulting in a change to the streetscene and its relationship with adjacent buildings, is acceptable in this regard. It is also noted that concerns are raised regarding the impact upon amenity space of the residential accommodation at the adjacent PH. This is currently a flat roof associated with the PH and has no railings but is used informally by the occupants. Whilst the proposal would impact upon the light levels from the south, the amenity space would not be reduced in size or overlooked and would therefore still be a usable space. Therefore, it is not considered the impact upon this informally used space would not be sufficient to warrant refusal of the scheme on this basis.

Agent of Change Principal and Noise Impact considerations

- 8.29 Paragraph 193 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, and music venues). Existing businesses and facilities 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 or community

facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 8.30 Paragraph 194 of the NPPF advises that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes.
- 8.31 Planning Practice Guidance on 'Noise' advises on the need to consider, in respect of the agent of change, the need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.
- 8.32 Policy BN9 of the JCS advises that proposals for new development which are likely to result in exposure to sources of pollution (such as noise), will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development, including reducing the adverse impacts of noise.
- 8.33 Policy Q4 of the Local Plan seeks to ensure the creation of healthy environments including preventing negative impacts on residential amenity from noise.
- 8.34 The Boston Clipper Public House is located on the immediate northern boundary of the application site with an external seating area located adjacent to the site boundary. The Boston Clipper PH operates as an LGBTQ+ nightclub and entertainment venue. The published opening hours of the premises are:
- Thursday: 4pm–Midnight
 - Friday: 4pm–5am
 - Saturday: 4pm–6am
 - Sunday: 4pm–10pm
- 8.35 Notwithstanding the above, it should be noted that the Boston Clipper PH has an existing premise license for the following opening hours:
- Monday – Thursday 10am–5am
(includes performance of live music (indoors) 10am-4:30am; playing of recorded music 10am-5am; late night refreshments (Indoors & Outdoors) 10am-5am)
 - Friday – Saturday 10am–6am
(includes performance of live music (indoors) 10am-5:30am; playing of recorded music 10am-6am; late night refreshments (Indoors & Outdoors) 10am-6am)
 - Sunday 10am–5am
(includes performance of live music (indoors) 10am-4:30am; playing of recorded music 10am-5am; late night refreshments (Indoors & Outdoors) 10am-5am).
- 8.36 The New Testament Church of God is situated on the southern boundary of the application site which holds regular Sunday services and activities during the evenings on weekdays. Comments have been received in respect of the potential noise impacts of the proposed development and disturbances from flats on the use of the church particularly during times of prayer and reflection and also in respect of the potential

impact of church services and functions during times of jubilation on the proposed occupiers of the student accommodation. The potential impacts are discussed in more detail below, but it should also be noted that there is the potential for students themselves to be attendees of the church.

- 8.37 The development proposal includes student accommodation with habitable room windows facing towards both College Street and St Katherines Gardens. No windows are proposed on the north facing elevation towards the adjacent public house and there are limited habitable room windows to the south facing elevation towards the adjacent church.
- 8.38 A Noise Assessment was submitted with the application undertaken and prepared by Sweco UK Limited, dated 14th December 2021, Document Ref: 65204849-001-ACO.REP1. The noise report was carried out during both daytime and night-time periods between Thursday 4th and Tuesday 9th November 2021 and, in addition to the assessment of the impacts of the adjacent Boston Clipper PH, included an assessment of road traffic noise.
- 8.39 The submitted noise report acknowledged that the Boston nightclub influences the existing noise climate during the late night and that during the opening hours of the venue, amplified music and patron noise from the beer garden were the dominant sources of noise. The report recommended the following noise mitigation measures:
- Normal ventilation via a mechanical system (e.g. MVHR).
 - Mechanical ventilation provided to all habitable rooms – this would also provide masking noise alongside other mitigation measures in respect of entertainment noise.
 - Openable windows can be provided for purge ventilation at the occupant's choice.
 - Double leaf masonry external walls with interior independent plasterboard lining.
 - Minimum 150 mm deep concrete roof with plasterboard ceiling on light steel grid.
 - Acoustic laminate double glazed units for the worst-affected locations.
 - Recommendation that a building services engineer carries out an assessment of overheating at the detailed design stage.
- 8.40 In addition to the Noise report, a further Technical Memorandum dated 17 May 2022 by SWECO was submitted which further assessed noise impacts in respect of the adjacent New Testament Church of God. The report acknowledged the potential for disturbance to proposed occupiers of the student accommodation but that appropriate noise mitigation, as set out in the original noise report, could be achieved.
- 8.41 Comments were received on behalf of the Boston Clipper PH raising concerns regarding the unacceptable impact of the proposal on the continued operation of the Boston Clipper PH as an LGBTQ+ entertainment venue and the Agent of Change principal.
- 8.42 A Noise Consultant engaged on behalf of the Boston Clipper PH, Auricl Acoustic Consulting, has reviewed the Noise Report and Acoustic Technical Memorandum submitted by the applicants, the comments of whom are summarised as follows:
- Noise criteria – reliance on proposed building services plant achieving a minimum noise level to provide masking of external noise. An acoustic

consultant will be required to be involved throughout the design and construction stages of the project to ensure this principal is maintained.

- Concern regarding the reduced capacity of the public house and beer garden (due to Covid and the time of year) (at the time the noise survey was carried out) and potential for under estimation of worst-case noise levels.
- Concern regarding the specifications for the sound reduction performance of the external façade which are onerous and questionable if they can be achieved in reality.
- Openable windows are to be provided, therefore in reality there is nothing preventing occupants leaving their windows open at night and subsequently being disturbed by noise emanating from the Boston Public House.

8.43 A further Technical Memorandum dated 17 June 2022 by SWECO was submitted in response to the objection received on behalf of the Boston Clipper PH and report from Auricl Acoustic Consulting. The Technical Memorandum, in response to concerns raised regarding the timing of the original survey during the Covid pandemic and also likely reduce use of the beer garden during November when the survey was carried out, that this was accounted for by the assessment of entertainment noise being based on absolute worst-case values, and through the application of a precautionary approach.

8.44 With regards to concerns raised by Auricl in respect of onerous measures for sound reduction performance through the construction of the building envelope and use of appropriate an appropriate glazing system, SWECO advised of a library of laboratory sound insulation test data and types of glazing systems that could achieve the required sound insulation specification and confirmed the construction methods could be achieved in consultation with an acoustician and a review of detailing for acoustics during the technical design stages. In response to concerns regarding the use of openable windows for purge ventilation, SWECO advised that the building will be designed to ensure that occupants would not have to rely on openable windows for ventilation.

8.45 The submitted noise reports were subject to review by WNC Environmental Health who advised that the report was considered to be a comprehensive assessment of existing noise sources likely to affect future occupiers of the proposed development. It is also noted that prior consultation took place in advance of the baseline noise assessment between the former Northampton Borough Council Environmental Protection Team and the applicants noise consultant to agree on the assessment methodology approach and design criteria for the building envelope, internal ambient noise levels in habitable rooms (e.g., bedrooms) and any associated M&E plant.

8.46 The scope and methodology of the noise assessment was accepted by WNC Environmental Health and it was agreed that there were low to moderate impacts arising from road traffic noise for night-time periods and that the existing noise climate was predominantly affected by entertainment noise from the Boston Clipper PH as the overriding noise constraint. WNC Environmental Health acknowledged the concerns raised regarding the Agent of Change principal and raised no objection, subject to appropriate conditions to ensure the recommended noise mitigation measures were secured, recommending the submission of a scheme of sound insulation works prior to any above ground works being carried out and details of building service noise control prior to occupation.

- 8.47 Following the publication of a report for the application on the agenda for 4th October 2022 Northampton Planning Committee with an Officer recommendation for approval subject to conditions, a further objection was received on behalf of the Boston Clipper PH including a Counsel opinion. The application was subsequently withdrawn from the agenda in order to allow the Council to review the comments received and the Counsel opinion in detail.
- 8.48 The submitted Counsel opinion, in summary, concluded the following:
- The Committee report has not adequately addressed the issues pertaining to the matter of Agent of Change, and the potential impact of the development proposal upon the Boston Clipper PH; and
 - Does not sufficiently address the Council's Public Sector Equality Duty (PSED)
- 8.49 The Counsel opinion, a copy of which is available to read in full under the planning application details on the Council's website, raised concerns regarding the Council's consideration of the agent of change principle, particularly in respect of the lack of apparent consideration by the Council's Environmental Health Officers in this regard, regarding the recommended noise mitigation conditions on the original committee report, the reliance on occupiers keeping their windows closed as part of the proposed noise mitigation, and the concerns raised by the Noise Consultant engaged on behalf of the Boston Clipper PH regarding the ability to achieve an appropriate level of noise mitigation with a reliance on sound insulation of the external facades of the building.
- 8.50 The Counsel opinion also raised concern on the conditions proposed on the original committee report advising that it is first necessary to demonstrate that proposed mitigation measures are capable of achieving suitable noise reduction levels in principle sighting a High Court case of R (oao) Parkview Homes Limited (Claimant) v Chichester District Council (Defendant) & Sussex Inns Ltd (Interested Party) [2021] EWHC 59 (Admin) in which case the Judge concluded that it was not acceptable to impose a condition for future noise control and mitigation in situations where there could be no confidence that those measures would actually work, and failure to identify a clear path to achieving it.
- 8.51 The Council subsequently engaged Counsel in respect of the matter. Advice to the Council was to seek an independent review of the submitted noise reports and the Council subsequently engaged the services of WBM Acoustic Consultants.
- 8.52 Following a series of meetings and discussions between WBM, the applicant's noise consultant and Planning and Environmental Health Officers, a final report was submitted to the Council by WBM on 10 May 2024.
- 8.53 In summary, WBM were engaged by the Council to carry out the following:
- 1) Provide an overview / peer review of noise assessment(s) submitted by the applicant and all comments made regarding noise by:
 - a. the Council's Environmental Health Officer
 - b. the applicant's own noise consultant
 - c. the objector's noise consultantto establish the WNC's position if the application should be approved as is with proposed mitigation scheme, or not. Provide comments on a way forward with regard to noise issues.

- 2) Review relevant national and local Planning Policy pertinent to noise that is relevant to the planning application.
 - 3) Provide a detailed and robust response to the objector's legal expert comments regarding noise including on the Agent of Change principle.
- 8.54 In reviewing the approach taken by SWECO in respect of the noise survey, WBM confirm that the use of worst case 5 minute values for entertainment noise and worst case patron maxima from The Boston is a reasonable and robust approach.
- 8.55 WBM advises in assessing the submitted noise report, that a recommendation has been made to the design team that mechanical ventilation is provided for all habitable rooms within the entire development. Occupants should not have to rely on open windows for ventilation (other than for purge ventilation). There are various reasons for this stated in the report, which include that indoor noise criteria at night would be exceeded via open windows and there are no acoustically attenuated wall vents that provide sufficient sound insulation performance.
- 8.56 The report also recommends that for façades where entertainment noise is dominant, further assessment should be undertaken to identify how often the overheating condition is likely to occur, identify any building design measures that can be introduced to alleviate overheating and to consider appropriate means of ventilation during the overheating condition that reduces the potential for adverse effects due to noise ingress.
- 8.57 The Sweco report of December 2021 suggests some methods to limit overheating risk, and also confirms that should the risk of night-time overheating remain, ventilation for the overheating condition could be provided via a boost mode for the mechanical ventilation system, provision of tempered air into the mechanical ventilation system or the provision of comfort cooling. The report also recommends that a building services engineer is appointed to carry out assessments of overheating at the detailed design stage.
- 8.58 WBM note that the scheme is reliant on steady background noise from mechanical ventilation system to act as a masking noise with entertainment noise. As set out in WBM's comments in Section 4.3, this will mean that the overall noise from the services will be at 35 dB LAeq,T all of the time. This may be considered excessive for bedrooms at night, where it is more usual to have a limit nearer 30 dB LAeq,T. Following subsequent discussions between all parties and the Council's Environmental Health Officers, it has been agreed that the proposed limits for building services background noise be designed to achieve an overall noise level of 33dB LAeq,T. WBM advise that if the information cannot be provided at application stage, a pre-commencement condition would be required to demonstrate if this scheme is viable and to determine if the required building services noise can be achieved in all rooms.
- 8.59 WBM note the proposed noise mitigation includes sound reduction measures for the building envelope including the use of high specification glazing. WBM agree that the sound reduction of any window system to be used on site must provide sound reduction data of the full system including frame and glazing, but this is to be provided in terms of the octave band levels from 63 Hz to 4 kHz which is likely to require additional testing outside the requirements of BS EN ISO 10140-2:2020. Similar confirmation data must also be provided for the proposed external wall and roof constructions. To achieve the required sound reduction values, a very substantial laminate double glazing (16.8mm / 16mm / 12.8mm) or substantial secondary-style glazing, e.g. 10mm / 200mm / 6mm would be required. Whilst WBM would expect this to be provided at application stage, WBM recommend that if permission is granted a condition is included to carry out noise

break-in tests in the worst affected studios to demonstrate compliance with the break-in criteria.

- 8.60 WBM remain concerned regarding the potential and likelihood of the need for proposed occupiers to open windows and the potential for noise complaints. Reference has been made to the use of a Deed of Easement, which would effectively provide a level of guarantee to the Boston Clipper PH in respect of giving it rights to make a certain level of noise before a statutory nuisance enforcement would be considered justified. The use of a Deed of Easement has also been referenced by the Council's Environmental Health Officers. A Deed of Easement is a complex matter which sits outside the planning process. Whilst the applicant has approached the owner of the Boston Clipper PH to discuss this option it is understood that this option is no longer being pursued between the two parties.
- 8.61 In addition, it is understood that the applicant has approached the owner of the Boston Clipper PH to discuss potential noise mitigation measures in respect of building upgrades internally to the fabric of the pub/nightclub itself although no specific details have been agreed and as the premises is situated outside of the application site, this could not be controlled through the current planning application.
- 8.62 Although the WBM report remains of the view that ideally demonstration of achieving the proposed mitigation measures would be provided at application stage, following further discussions with the applicant's noise consultant and the Council, the report concludes that, in light of the further discussions since August 2023 it is WBM's view that the application could be approved subject to the agreement of suitably worded conditions regarding building services noise, external noise ingress, acoustic commissioning tests and the provision of masking noise. This additional information provided via conditions would demonstrate that the proposal to use building services as masking noise is feasible, achievable and practicable. The report advises that it is for the Council to decide whether it is willing to accept that this approach. The use of building services as masking noise will result in higher levels of internal noise that exceed WHO 1999 guideline levels and the criteria recommended for dwellings in BS 8233: 2014, albeit by a small amount.
- 8.63 In respect of the New Testament Church of God, WBM agree with the SWECO report that the noise from the church would not be a significant constraint on the proposed development and that the activity noise within the student accommodation would be unlikely to result in any disturbance to the church.
- 8.64 The considerations in respect of noise mitigation are finely balanced. Paragraph 56 of the NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 8.65 It is acknowledged that ideally the specific design details of the proposed noise mitigation measures would be submitted as part of the application details in order to provide certainty of the achievability of the measures proposed. However, it is also acknowledged that it is not unreasonable for a developer to have some comfort in the development proposals being acceptable prior to investing in such detailed design requirements. The applicant's noise consultant had indicated that the design requirements to achieve the proposed mitigation measures are achievable. WNC Environmental Health has confirmed that subject to pre-commencement conditions to

agree the detailed design of noise mitigation and ventilation measures and pre-occupation testing requirements as set out in the conditions below in this report, they have no objection and that a reasonable internal ambient noise environment could be achieved in the proposed building. The applicant has agreed to the conditions proposed.

- 8.66 It is considered that the proposed conditions are necessary and relevant in order to ensure appropriate noise mitigation measures are in place; enforceable, in that the conditions refer to specific noise values and the submission of details to ensure compliance with such requirements. It is also, considered that there is justification in requiring the submission of such details prior to commencement as the issuing of planning permission would provide the developer with the comfort of an in principle agreement to the development subject to the submission and agreement with the Local Planning Authority of specific technical design details prior to construction commencing.
- 8.67 On balance, 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 both local and national policy requirements.

Public Sector Equality Duty

- 8.68 The Equality Act 2010 introduced a new public sector equality duty (the PSED), which makes it a legal requirement to give due regard to the three aims of the General Equality Duty in functions exercised by the Council.
- 8.69 The three aims are:
1. eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act;
 2. advance the equality of opportunity between people who share a protected characteristic and those that do not, including:
 - removing disadvantage or barriers that people may face
 - taking steps to meet the needs of protected groups, where they differ from the needs of other people
 - encouraging people from protected groups to participate in activities where their participation is disproportionately low
 3. foster good relationships between people who share a protected characteristic and those that do not.
- 8.70 The intention of the duty is to ensure equality groups are considered in day-to-day decision making, including planning decisions, creating a fairer outcome for all.
- 8.71 This is particularly relevant to the current proposal as it could have an impact upon the operation of The Boston PH which is a key venue for the LGBTQ community in Northampton. The applicant has worked with the Local Planning Authority during the course of the planning application to address potential noise and disturbance issues that would continue to allow the venue to operate without detriment to future occupiers or the venue itself. It is considered that the authority has assessed the proposal appropriately in this regard and discharged it's function in relation to the equality act.

Highway Impacts

- 8.72 The application site is located within the town centre and as such the nil provision of parking spaces is considered acceptable.
- 8.73 The Council's Highways department have been consulted on the proposal and have raised no objection to the scheme subject to comments regarding the provision of a 4-week bus ticket for each unit, that works should not encroach upon the public highway and that a condition should be attached to secure a construction traffic management plan.
- 8.74 In terms of bus ticket provision, there is no planning policy basis to request such provision as part of the planning application plus the site is centrally located within the town centre and within walking distance to a variety of facilities. In addition, the proposed works would take place within the submitted red line plan and that any works encroaching within the highway would require separate consent from the highway authority. It is however considered appropriate to secure a construction management plan by condition so as to ensure that construction traffic does not adversely impact upon highway safety, surrounding amenity or the local road network within the town centre.
- 8.75 The application proposes the provision of cycle store with space for 104 bicycles which is considered to be an appropriate size for the proposed development. The cycle store would be secured for residents use only within the confines of the site. The provision of cycle storage as proposed would be required by condition prior to occupation and retained thereafter.
- 8.76 As such, it is not considered the proposal would lead to any unacceptable highway impacts.

Crime Prevention

- 8.77 The proposal would add windows overlooking the public realm to both St Katherines Gardens and College Street. Space and would provide a more intensive use of the site which is likely to provide natural surveillance. In order to ensure the development is safe, details of CCTV and external lighting are required which can be secured by planning condition.
- 8.78 The Police Crime Prevention Design Advisor requests a number of safety features to ensure the development is secure by design. A condition will be attached requiring the development to provide details of proposed measures for the prevention of crime and to provide a secure development along with management of the block as student accommodation.

Other matters

- 8.79 In addition to proposed noise mitigation and ventilation conditions, Environmental Health has requested conditions in respect of a Construction Environmental Management Plan (CEMP), air quality mitigation, contamination/remediation, construction/delivery times and waste management. These are considered reasonable to attach.
- 8.80 In respect of air quality, the applicant has advised that the development will provide the following:
- All plant and boiler systems will be designed to be low carbon. The water heaters generating domestic hot water for the development shall be gas fired,

low NOx, twin heat engine, cascading, direct fired water heaters with an integrated stainless steel tank.

- The proposed development fully encourages green forms of transportation, where secure internal storage is provided for 104 bicycles which is 100% cycle provision.
- PV panels will be provided to generate renewable electricity for the development.

WNC Environmental Health are satisfied with the proposed measures and a condition is proposed to secure details of PV panels and cycle storage.

8.81 West Northamptonshire Council Key Services have requested a condition to secure broadband provision. There is no planning policy basis to require such a condition and as such it is not considered reasonable to attach.

8.82 The Lead Local Flood Authority has been consulted on the proposal and has not commented on the scheme. However, given the scale of the development (i.e. major development) on a site that is currently without any built development, it is considered appropriate to secure drainage details along with maintenance details by planning condition so as to ensure that the proposal does not adversely impact upon the surrounding area in terms of flooding and drainage.

Obligations

8.83 West Northamptonshire Council Key Services request a financial contribution towards libraries. The requirement for contributions for library provision as set out in Policy IFS2 of the Local Plan, relates to new housing developments. As such, there is no planning policy basis in respect of student accommodation for the requirement of funds towards libraries and as such it is not reasonable for the Council to request such funding for this development.

8.84 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.

8.85 The applicant has agreed to the above contribution and requirement.

9 FINANCIAL CONSIDERATIONS

9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

10.1 The proposed development, subject to the conditions proposed, represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, the adjacent All Saints Conservation Area and listed building, neighbouring amenity, the highway system, crime and safety or the continued operation of adjacent existing businesses/ community uses. It is considered the development will result in less than substantial harm to the setting of adjacent heritage assets and that any harm would be outweighed by the benefits of bringing an underutilised site within a sustainable location in the Town Centre back into use providing purpose built student accommodation. It is considered, subject to the conditions proposed, the proposed development would accord with the requirements of Policies S1, S3, S10, BN5, BN9, INF1 & 2 and Policy N1 of the West

Northamptonshire Joint Core Strategy, Policies SD1, Q1, Q2, ENV6, and RS1 of the Northampton Local Plan Part 2 and the requirements of the National Planning Policy Framework.

11 RECOMMENDATION AND CONDITIONS

- 11.1 It is therefore recommended that the application be approved in principal subject to the conditions set out below and subject to the completion of a Section 106 Agreement with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary.

IMPLEMENTATION CONDITIONS

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

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

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

21057 01 – Location Plan
21057_pl(23)_01 Rev D – Proposed Ground Floor Plan
21057_pl(23)_02 Rev A – Proposed First Floor Plan
21057_pl(23)_03 Rev A – Proposed Second Floor Plan
21057_pl(23)_04 Rev A – Proposed Third Floor Plan
21057_pl(23)_05 Rev A – Proposed Fourth Floor Plan
21057_pl(20)_01 Rev E – East Elevation
21057_pl(20)_01 Rev A – North Elevation
21057_pl(20)_02 Rev D – South Elevation
21057_pl(20)_03 Rev A – West Elevation
21057_pl(21)_01 Rev A – Section A-A
21057_pl(21)_02 Rev A – Section B-B
21057_pl(21)_03 Rev A – Section C-C
21057_pl(21)_04 Rev D – Section D-D

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

PRE-COMMENCEMENT CONDITIONS

3. No development 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.
- 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 construction works will take place.

vii) Delivery hours for construction works.

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.

4. 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.

5. 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.

6. 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 shall be submitted to and approved in writing by 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.

7. Prior to commencement of development a detailed scheme of noise mitigation shall be submitted for approval in writing by the Local Planning Authority. The scheme will be informed by a noise assessment to a methodology prior agreed with the Local Planning Authority and must be undertaken during times, to include Thursday to Sunday, that the neighbouring businesses are in operation and noise levels emanating from their premises can be considered representative of their typical operations.

The submitted scheme of mitigation must demonstrate how entertainment noise ingress will be at or below 23dB LAeq, 5min with octave band values at or below NR23 in each octave band between 63Hz and 4KHz in all apartments. The approved scheme shall be implemented in full prior to first occupation of the building and maintained throughout the lifespan of the building.

Reason: In the interests of proposed and surrounding amenity and the continued unfettered operation of existing adjacent uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

PRIOR TO WORKS ABOVE GROUND/ LOWER GROUND

8. Prior to any above ground works, a report shall be submitted that details how the overall noise level of 33dB LAeq, T with octave band values at NR23 in each octave band between 63Hz and 4KHz will be achieved when the building services system is providing 'standard' ventilation rates. The mechanical services within the building must be designed by a suitably competent mechanical and electrical consultant. The approved system and any required mitigation must be maintained throughout the lifespan of the building.

Reason: In the interests of proposed and surrounding amenity and the continued unfettered operation of existing adjacent uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

9. Prior to any above ground works commencing full details of the surface water drainage scheme for the site shall 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:
 - a) 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)
 - b) Appropriately cross-referenced supporting calculations demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 200 year plus 40% climate change storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings.
 - c) Full details of the surface water pumping station

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in

accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire.

10. Prior to any above ground works commencing 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.

11. Notwithstanding the submitted materials details, no development above lower ground floor base level shall take place until full samples of all proposed external facing materials, including window frame/surround and balustrade details, have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

PRIOR TO OCCUPATION CONDITIONS

12. Prior to occupation and once the building services and any noise masking systems have been installed and compliance with the noise criteria has been demonstrated, further tests will be undertaken of the entertainment noise ingress during typical operations of any neighbouring noise making business, to include Thursday to Sunday, to demonstrate that this is at or below the noise criteria specified in condition 8. Where exceedances of the noise criteria occur, further mitigation will be installed to reduce the entertainment noise ingress such that the noise criteria specified in condition 8 will be achieved as a minimum. Further appropriate testing will be undertaken and a written report will be submitted to the Local Planning Authority to demonstrate compliance. The elements of the building envelope and any additional noise mitigation measures will be maintained throughout the lifespan of the building.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

13. Prior to occupation, appropriate noise masking systems will be provided to all affected apartments where the noise output of the building services system is below the values required by condition 8 to ensure that the required A-weighted and octave band levels are achieved.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

14. Prior to occupation, where attenuators, masking systems or other forms of mitigation are installed, testing will be undertaken to inform a report to be submitted to the Local Planning Authority that demonstrates compliance with the noise criteria specified in condition 8. No accommodation will be occupied until written confirmation of

compliance has been provided by the Local Planning Authority. All installed attenuators or noise masking systems will be maintained throughout the lifespan of the building.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

15. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site and in accordance with the aims of the NPPF.

16. Notwithstanding any previously submitted boundary treatment details, prior to first occupation of the development, details of all boundary materials (including materials, design, and access control of any gates) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to first occupation of the development hereby permitted and retained in full working order in accordance with the approved details thereafter.

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

17. Prior to first occupation of the development a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species. Any approved hard landscaping shall be carried out prior to first occupation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

18. Prior to occupation, a Full Site Management Plan for the student accommodation shall be submitted to and agreed in writing by the Local Planning Authority. The Full Site Management shall include, but not be limited to, the following:
- i) The process for managing students to move into, and out of, the development.
 - ii) On site management.

- iii) A Code of Conduct for occupiers of the development.
- iv) Security Controls, including positions of access control measures door by door and security rated doors and windows.
- v) CCTV, including the location of each camera.
- vi) External lighting.
- vii) Fire alarm system, including the location of each alarm.
- viii) Post box locations.

The approved management plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

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.

19. Prior to first occupation of the development hereby permitted a Waste Management Plan and Pest Control Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to

- a management plan for collection of refuse from the bin stores and arrangements for moving the bins in and out before and after collection; and
- a management plan for cleaning and maintaining the bin stores

The approved details shall be fully implemented prior to the first occupation of any part of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a sustainable form of development, in accordance with the requirements of the National Planning Policy Framework.

20. Prior to first occupation of the student development hereby approved, the secure student cycle storage, as shown on 21057_pl(23)_01D shall be provided on site and retained for the parking of bicycles by the occupants of the student flats thereafter.

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

21. Notwithstanding the submitted details, prior to occupation details of the proposed PV panels shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development and in the interests of sustainable development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

22. The operation of the building services system, approved in accordance with condition 8, when under 'standard' ventilation rates, must be outside the control of any room occupants.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

23. Where the building services system is required to provide purge ventilation to help safeguard against overheating, condensation or airborne contaminants, the noise level must not exceed 38dB LAeq, T. The operation of purge ventilation must be under the control of the room occupants at all times.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

24. The residential student development hereby permitted shall be a 101 bed student accommodation (sui generis use) only and shall not be used for any other purpose.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

25. Within 3 months of any change in ownership of the proposed development, written notification will be submitted to the Local Planning Authority that confirms the persons or body who will be responsible for ensuring compliance with the noise mitigation and mechanical ventilation conditions above, and the appropriate maintenance of all relevant mitigation measures in order to ensure the internal acoustic environment is compliant with the noise criteria specified in the above conditions.

Reason: To ensure an appropriate standard of noise mitigation is maintained in the interests of amenity and surrounding uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

26. The bird boxes as identified in the submitted Sweco Biodiversity Enhancements Strategy dated 18 July 2023 shall be installed prior to occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

27. Notwithstanding Condition 2 above, the development shall be carried out in accordance with the levels details as shown on drawing 21057_pl(23)_01 Rev C.

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.

28. 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.
