



Planning Committee Report

Committee Date: 5th October 2021

Application Number: N/2021/0009

Location: Debenhams , 33 - 39 Drapery, Northampton

Development: Demolition of existing building and redevelopment of site for purpose-built student accommodation and ground floor/basement retail unit with landscaping and associated works

Applicant: Drapery Property Northampton Limited

Agent: Scott Hobbs Planning

Case Officer: Hannah Weston

Ward: Castle Unitary Ward

Referred By: Assistant Director of Place and Economy

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT

Proposal

The application proposes the demolition of the existing building and the redevelopment of the site for purpose-built student accommodation with 201 bedspaces and ground floor/basement retail unit with landscaping and associated works.

Consultations

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

- Public Protection
- Archaeology
- Lead Local Flood Authority
- West Northamptonshire Council Key Services
- Northamptonshire Police
- Construction Futures

The following consultees have **objected** or raised **concerns** with the scheme:

- Conservation
- Town Centre Conservation Area Advisory Committee
- Northampton Area Planning Policy
- Community Safety and Engagement Team

The following consultees have raised **no comment** on the scheme:

- Historic England
- Environment Agency
- Anglian Water
- Highways

Five letters objecting to the application, one letter raising observations and one letter in support of the application 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 report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and the completion of a S106 agreement to secure the planning obligations referred in paragraph 8.47 below.

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 Drapery and eastern side of College Street and forms the former Debenhams Department Store.

2. CONSTRAINTS

2.1. To the north of the site is a Grade II listed Bank at 41 Drapery, to the south of the site are locally listed buildings at 27, 29 and 31 Drapery. To the rear of the site is the Grade II listed College Street Baptist Church. There are a number of listed buildings opposite the site on Drapery. The application site itself is not listed or locally listed.

2.2. The site is located within the All Saints Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application proposes the demolition of the existing building and the redevelopment of the site for purpose-built student accommodation with 201 bed spaces and ground floor/basement retail unit with landscaping and associated works.

4. RELEVANT PLANNING HISTORY

4.1 There is no recent relevant planning history.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

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

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
- S1 – The distribution of development
 - S2 – Hierarchy of Centres
 - S3 – Scale and distribution of housing development
 - S10 – Sustainable Development Principles
 - C2 – New developments
 - E1 – Existing employment areas
 - 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 Central Area Action Plan 2013 (CAAP)

- 5.4. The relevant policies are:
- 1 – Promoting Design Excellence
 - 11- Town Centre Boundary
 - 12 - Primary Shopping Area
 - 13 – Improving the retail offer
 - 16 – Central Area Living
 - 32 - Drapery

Material Considerations

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

- Paragraphs 7-12 - Presumption in favour of sustainable development.
 - Section 6 – Building a strong and competitive economy
 - Section 8 - Promoting healthy and safe communities.
 - Section 9 - Promoting sustainable transport
 - Section 11 – Making effective use of land
 - Section 12 – Design
 - Paragraph 187 – impact of development on existing business
- 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

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 | Comment |
|--|---|
| Conservation | <i>Original Plans</i> - Object – demolition of Debenhams would fail to preserve the character of All Saints Conservation Area and the replacement building would not be an enhancement. If the harm is considered to be outweighed by the wider public benefit of providing accommodation in the town centre, request condition requiring the development does not occur until a contract for the carrying out of the redevelopment is in place to ensure there is not a gap in the conservation area if development does not proceed. <i>Amended Plans</i> – No comment |
| Town Centre Conservation Area Advisory Committee | Regret loss of existing building which has been important part of Northampton's street scene for 60 years. However, on balance feel the case for demolition has been made. Want College Street and Swan Yard elevations to be well designed. Want access to internal courtyard by all. Question need for student accommodation and want flats. Question viability of retail units on the ground floor. Archaeological assessment of the site would be needed. |
| Historic England | No comment. |
| Public Protection | No objection subject to conditions requiring a CEMP, a demolition asbestos survey, contamination, sound limits, details of glazing and ventilation, noise attenuation, waste strategy, delivery times, external lighting. |
| Environment Agency | No comment. |
| Anglian Water | No comment. |
| Archaeology | No objection subject to condition on a programme of archaeological work. |
| Lead Local Flood Authority | No objection subject to conditions on surface water drainage. |

| | |
|--|---|
| Highways | No comment |
| Northampton Area Planning Policy | Concern with loss of canopy to front. Principle of converting upper floors is supported as the scheme maintains an active retail frontage at ground level which is vital in primary shopping area. Concern with proposed student use as there is an appropriate supply of student accommodation in Northampton. |
| West Northamptonshire Council Key Services | Request contributions towards libraries, conditions on fire hydrants and broadband. |
| Community Safety and Engagement Team | No consultation with university about need for student accommodation and believe not needed. Plans to open up and create a courtyard off Swan Yard could improve the area and create guardianship and onlookers, assisting in deterring anti-social behaviour, or alternatively street drinkers and homeless could gain access to site and cause further nuisance. Bin store - would expect store to be responsible for putting bin out for collection. |
| Northamptonshire Police | Request conditions on security and the management of the building. |
| Construction Futures | Request a contribution towards construction training on the site and a construction training scheme. |

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. Five letters objecting to the application, one letter raising observations and one letter in support of the application have been received. The comments can be summarised as follows:

Objections and observations:

- Concern with more student accommodation in the city centre. Council should provide starter homes. Student accommodation will be left empty during holidays whereas flats wouldn't be.
- Wish for building to remain and upper floors can be converted.
- Building should be retained and converted to more inventive uses such as shops and boutique stores. Removing building destroys centre.
- Town centre is not inviting with few stores- Council should focus on regenerating the town centre as opposed to student halls.
- Concern regarding impact on adjacent existing business uses, particularly in respect of noise impacts.
- Proposals fail to set out how a satisfactory living environment will be achieved for future occupiers
- Inadequate information provided by the Noise Report

Support:

- Brilliant idea. Brings beneficial use rather than another shop which will close down. Student flats and hotels are needed to get more people into housing.

8. APPRAISAL

Principle of Development

- 8.1 The application proposes the demolition of the existing building and the erection of a new building largely forming a student halls. A retail unit would be provided at part ground floor and basement level fronting Drapery. The proposed student halls would provide 201 x 1 bedroom studios (self-contained with en-suite and cooking facilities), and 6 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 study rooms, lounges, roof terrace, gym/amenity space, and central garden courtyard, alongside a laundry and bin and bike stores. A front entrance to Drapery is provided with reception and offices for the management of the student halls.
- 8.2 The proposal results in a significant reduction in retail floorspace to that existing, the new building providing a ground floor retail unit of 115m² fronting Drapery, with the existing building being a large department store over 4 floors, plus mezzanines, of approximately 7425m² of retail floor space. A Vacancy Report has been submitted to justify this reduction in retail floorspace. This report identifies that there are a number of other large retail stores within the Northampton Town Centre which have remained vacant for extended periods of time with little interest. Most notably, the former BHS and Marks and Spencer buildings, which have remained largely empty since these chains vacated the premises. With the known vacancy rates in the Town Centre, and with two other department store buildings (arguably in a better shopping footfall position) both remaining vacant for a considerable length of time, it is considered that the reduction in retail floorspace in this instance at the Debenhams site is justified in order to secure a viable use for the site.
- 8.3 With regards to the proposed student accommodation, the proposal would result in an increase in the number of people residing within the town centre, which is consistent with the strategic objectives of the CAAP, which calls for the repopulation of the town centre and allows for the provision of student accommodation. Given that the proposed development would be for bespoke student accommodation, it would not add to the Council's housing land supply, as it would be a sui generis use. However, it is acknowledged that the development may reduce the demand for alternative sources of student accommodation, such as Houses in Multiple Occupation, elsewhere within the Borough. As such, the proposal would support the provision of a mixture of house types across the Borough, as required by planning policy.
- 8.4 The proposal also provides an appropriate town centre ground floor use for the vacant building, proposing a retail unit fronting the Drapery. The commercial use of the ground floor fronting the Drapery would maintain an element of retail use for the building and provide an active frontage at street level in this Primary Shopping Area and would assist in supporting the general viability and vitality of the Town Centre.
- 8.5 Comments have been received in respect of the need for student accommodation within Northampton. There is no planning policy requirement to demonstrate need or any basis to object to the provision of student accommodation. Policy 16 of the CAAP allows for the provision of student accommodation within the Central Area and, as such, the use is considered an appropriate town centre use. Comments have also been received within 3rd party and consultee letters that flats would be preferred, however the assessment of the application can only be on that applied for, i.e., student accommodation.
- 8.6 The proposal would bring a prominent site in the town centre and Conservation Area back into use whilst contributing to the vitality and viability of the surrounding area 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

Policy and Legislation background

- 8.7 The site is within the All Saints Conservation Area and adjacent to a number of listed and locally listed buildings. The building is an example of a 1950s built department store on a prominent site within the town centre, however, the building itself is not listed or locally listed.
- 8.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 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 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Demolition/Loss of existing building

- 8.11 In their original comments, the Council's Conservation Officer has raised concern regarding the demolition of the existing building advising that the demolition and replacement building would fail to preserve or enhance the character of this part of the Conservation Area and that the scale and frontage of the existing building has a presence in the streetscene which complements the range of buildings in the Drapery. The Conservation Officer acknowledges that the existing building does not contribute to character of College Street.
- 8.12 The application site as existing comprises a large department store which has recently become vacant due to the closing of Debenhams stores. The application proposes to demolish the building and redevelop it for primarily residential use. Marketing information has been provided to demonstrate that it is unlikely any future use could be found for the existing building due to its size, and it is likely, therefore, that this building would remain a large vacant building in the town centre, such as the existing vacant M&S and BHS department stores. The proposal is for the redevelopment of this prominent town centre site to provide a use which is suitable for a town centre, being residential student accommodation and a replacement smaller retail unit. The demolition of the existing building is required to secure this proposed future use.
- 8.13 Whilst the comments of the Conservation Officer are acknowledged, the loss of the existing building and façade must be weighed against the public benefits of ensuring a long-term viable use of the site and maintaining the vitality and viability of the town centre whilst ensuring there is no substantial harm to surrounding heritage assets.

8.14 The existing building is not listed or locally listed, and the proposed replacement building would bring a viable use to the town centre with a design (discussed in more detail below) which is considered to complement the existing street scene and Conservation Area from the Drapery and improves the appearance of the site from Swan Yard and College Street. Without this re-development the site is likely to remain vacant within the town centre, which is considered a greater detriment to the town centre and character and appearance of the Conservation Area than the loss of the department store.

Design of replacement building

8.15 The existing building contains four stories (including a basement). The replacement building would be seven stories internally, with one of these floors within the former basement area of Debenhams. Whilst the proposal creates additional floors in comparison to the existing building, this is largely through the ceiling height and distance between floors being smaller, with the resultant building remaining largely the same height overall as the existing building.

8.16 As existing, the Debenhams building is one large building footprint between the Drapery and College Street and up to the edge of Swan Yard and the northern boundary. The replacement building broadly follows a similar perimeter footprint extending from the Drapery to College Street but includes a courtyard to the centre of the building to create a shared amenity space at lower ground floor level (basement) with student accommodation surrounding this void at seven levels.

8.17 In respect of the proposed design as originally submitted, the Conservation Officer advised that the scale of the replacement building was appropriate to the location but raised concern regarding the design in respect of the pastiche style which was considered to lack the interest and distinctiveness of the Debenhams building and compete with the adjacent listed bank undermining its setting and that the proposal provided a visually weak frontage to the Drapery. The Conservation Officer requested that the existing façade be retained to preserve the appearance of the street scene.

8.18 Following the Conservation Officer's concerns, the design of the scheme has since been amended to provide a stronger active frontage at ground floor level and amend the overall design of both the Drapery and College Street elevations to provide a more distinctive and interesting design that is considered sympathetic to the surrounding context which is varied in character. No further comments have been received from the Conservation Officer.

8.19 At ground floor level fronting the Drapery, a retail unit would be provided (which contains further retail space at basement floor level). Adjacent to this retail unit would be an office space and reception area for the student halls. The frontage facing Drapery has been carefully designed to ensure an active frontage to the Drapery at ground floor level is retained. Above the ground floor level fronting Drapery, a contemporary design is proposed, with slightly projecting window frames and strong pillars creating an attractive frontage with a strong rhythmic pattern which reflects and compliments the existing varied pattern of development within the Drapery. The top floor is set back from the main frontage to reduce the visual bulk of the proposed building, and this top floor would not be overly visible from the Drapery or wider views due to the existing street pattern and proximity of buildings.

8.20 To the rear of the building fronting College Street a slightly different design is proposed however, the strong fenestration detail and clear lines remain to create a strong elevation to this side. At ground floor level fronting College Street, a student lounge

window is provided alongside two entrances into the building and bin store doors. It is the case that the College Street elevation is not to the same design as the Drapery elevation, however as existing the Debenhams building presents an unattractive elevation with servicing grilles and office windows to College Street. It is considered that the proposed elevation for College Street would be an improvement to the existing building and would provide some active frontage with a large student lounge window and two entrance points. As with the Drapery elevation, the top floor on the College Street elevation is set back from the remainder of the building to reduce the bulk of the building.

- 8.21 With regards to the Swan Yard elevation (south), the proposed development would be an improvement over the existing building. As existing the Debenhams building presents a relatively blank elevation to Swan Yard alleyway. The proposed development would add space and active uses on the alleyway, with the opening up of the central courtyard adding light to the alleyway, and with the insertion of a student lounge and study space windows fronting Swan Yard at ground floor level. Furthermore, at upper levels staircase windows and dual aspect student bedroom windows offer natural surveillance and activity to Swan Yard. In design terms it is considered that the proposed building would offer an improvement to Swan Yard.
- 8.22 With regards to the northern elevation, much of this would not be visible from the Drapery or College Street elevations due to neighbouring buildings. Much of that which is visible would appear similar to the existing building on site, with slight increases in the depth of the top floor level and a slight lowering in height centrally. With the existing relationship on site this elevation is considered acceptable in design terms.
- 8.23 Materials proposed include a mix of stone, buff facing brick, re-cast stone cladding and light coloured metal cladding to the inset top floor level to the Drapery elevation and red facing brick with buff brick detailing and light metal cladding to the top floor to the College Street elevation. Specific material details would be agreed by condition to ensure a high quality development is delivered.

Conclusion

- 8.24 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 outweigh any harm identified.

Residential Amenity

- 8.25 The application proposes the provision of 201 studio student flats, 6 of these would be accessible studios.
- 8.26 The Council does not have a policy regarding the minimum size requirements for student accommodation. It is considered, however, that the room sizes proposed 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.
- 8.27 The proposal provides a shared amenity space at lower ground floor level and a shared terrace space at roof level for the student occupiers, alongside a number of internal shared spaces with study rooms, lounges, and gym/amenity spaces. In addition, the site is located within the town centre and within walking distance of amenity space,

such as Becketts Park and the River Nene. It is, therefore, considered that sufficient amenity space is provided.

- 8.28 An enclosed refuse storage area is proposed for the student accommodation fronting onto College Street with additional internal access within the complex. A separate refuse storage area is proposed from Swan Yard for the retail unit. 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 and Pest Control 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.

Impact on neighbouring amenity and surrounding uses

- 8.29 The application site is located within the town centre, and as such the majority of neighbouring units are commercial in nature. There are, however, residential units at first floor within some of the neighbouring units, such as within 27 Drapery to the south of the site. Whilst the application site adds habitable room windows to all sides, it is not considered that the outlook from these windows would result in an unacceptable relationship for a town centre location, with sufficient distance retained between these windows and neighbouring windows.
- 8.30 In respect of surrounding commercial uses, 3rd party comments have been received raising concern regarding the potential impacts arising from the proposed development in respect of the use of the Boston Clipper Public House situated to the rear of the site at 26 College Street which has a license to hold late night DJ and live music events until 6am.
- 8.31 Paragraph 187 of the NPPF seeks to ensure that new development can effectively integrate with existing businesses, including pubs and music venues, and that these existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed.
- 8.32 A Noise Assessment has been submitted with the application and assessed by Public Protection. The submitted Noise Assessment does not include an assessment of or reference to the Boston Public House which it is understood was not trading during the Covid-19 lockdown period.
- 8.33 Public Protection has advised that there have been no noise nuisance/ public nuisance incidents on record in respect of the Boston Public House since 2014. It is however acknowledged that there is currently no particular concentration of residential uses within the immediate vicinity of the venue.
- 8.34 The development proposal includes student accommodation with habitable room windows facing towards College Street. In order to ensure appropriate levels of amenity for proposed occupiers and that there are no unreasonable expectations placed on existing businesses in the vicinity Public Protection has agreed to the imposition of a condition for the submission of an updated noise impact assessment assessing impacts out of any lockdown restrictions due to the Covid-19 pandemic and including an assessment of the Boston Clipper Public House and mitigation measures as necessary to be submitted to and approved in writing prior to commencement of

development, with any approved mitigation measures to be in place prior to occupation of the development and retained in full working condition thereafter.

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

Highway Impact

- 8.36 The application site is located within the town centre and as such the nil provision of parking spaces is considered acceptable.
- 8.37 The Council's Highways department have been consulted on the proposal and have raised no comment on the scheme.
- 8.38 The application proposes the provision of three bicycle stores with space for at least 210 bicycles. 201 cycle spaces would be expected for a development of this size and as such more than sufficient storage is provided. The provision of bike storage as proposed would be required by condition prior to occupation and retained thereafter.

Crime Prevention

- 8.39 The application site is currently in a location subject to occurrences of crime, largely within the alleyway to the south (Swan Yard). Whilst it is accepted that this area is not currently observed, the proposal would add windows overlooking this space, would provide more light through the central courtyard void, and greater use of the space which is likely to provide natural surveillance. In order to ensure the development is safe, details of CCTV and lighting are required through condition.
- 8.40 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.
- 8.41 The Police Crime Prevention Design Advisor also requests further details on the management of the block and a condition requiring these details will be attached.

Other matters

- 8.42 The Council's Public Protection team have requested conditions on noise, a Construction Environmental Management Plan (CEMP), demolition asbestos survey, contamination, sound limits, glazing and ventilation, noise attenuation, waste, delivery times and external lighting. These are considered reasonable to attach.
- 8.43 The Council's Archaeology officer requests a condition on archaeological works, which is considered reasonable to attach.
- 8.44 The Lead Local Flood Authority advise that there is no objection to the scheme subject to conditions on surface water drainage. It is considered reasonable to attach such conditions.
- 8.45 West Northamptonshire Council Key Services request conditions on fire hydrants and broadband. There is no planning policy basis to require such conditions and as such these are not considered reasonable to attach.

Obligations

- 8.46 West Northamptonshire Council Key Services request a financial contribution towards libraries. There is no planning policy basis in the Northampton Area for the requirement of funds towards libraries and as such it is not reasonable for the Council to request such funding for this development.
- 8.47 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.
- 8.48 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 represents an acceptable land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, All Saints Conservation Area, neighbouring amenity, the highway system, or crime and safety. Whilst the development will result in some harm to the historic environment with the loss of the existing building, this harm is assessed as being less than substantial and any harm would be outweighed by the public benefits of the scheme by ensuring a long-term viable use for the site. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies C2, E1, H1, BN5, BN9, INF1, INF2, N1, S1, S2, S3 and S10 of the West Northamptonshire Joint Core Strategy; and Policies 1, 11, 12, 13, 16 and 32 of the Northampton Central Area Action Plan 2013.
- 10.2 It is therefore recommended that the application be approved subject to the following conditions and subject to the completion of a S106 agreement.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 The proposed development is recommended for approval subject to the following conditions (and any amendments to those conditions as deemed necessary).

Time Limit

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

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

Approved Plans

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

20038_ex(--)01 – Location plan.

20038_pl(23)_01 Rev B – proposed lower ground floor plan.

20038_pl(23)_02 Rev D – proposed ground floor plan.

20038_pl(23)_03 Rev A – proposed 1st, 2nd and 3rd floor plans.

20038_pl(23)_04 Rev A – proposed fourth floor plan.
20038_pl(23)_05 Rev A – proposed fifth floor plan.
20038_pl(27)_01 Rev A – proposed roof plan.
20038_pl(20)_01 Rev C – proposed east elevation – Drapery.
20038_pl(20)_02 Rev A – proposed west elevation – College Street.
20038_pl(20)_03 Rev C – proposed south elevation – Swan Yard.
20038_pl(20)04 Rev B – proposed north elevation.
20038_pl(21)01 Rev A – proposed building section AA
20038_pl(21)02 – proposed building section B-B
20038_pl(21)03 Rev A – proposed building section C-C
20038_pl(21)04 – proposed building section D-D
20038_pl(21)05 Rev A – proposed building section E-E

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

Demolition and contract for redevelopment

3. The works of demolition hereby permitted shall not be carried out until details of the contract entered into for the carrying out of the works of redevelopment of the site hereby permitted (including a timetable for these works) has been submitted to and approved in writing by the Local Planning Authority.

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

Materials

4. 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.

Construction Environmental Management Plan

5. 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 (including Best Practice Measures contained within Section 6 of the submitted Dust Impact Assessment undertaken by Accon UK Limited, dated 1st October 2020, Report Ref: A/3391/CMP/01).
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.

- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

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.

Finished floor levels

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

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

Contamination

7. No development shall take place until an investigation and risk assessment to assess the nature and extent of any contamination of the site has been completed, in accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, pets, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, shall be submitted to, and approved in writing by the Local Planning Authority in accordance with Condition 8.

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.

Secure By Design

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

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

Archaeology

12. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components, completion of each which will trigger the phased discharging of the conditions:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed written scheme of investigation;
- (iii) Completion of a Post-excavation assessment report and approval of an approved Updated Project Design (to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the planning authority);
- (iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, completion of an archive report and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in advance by the local planning authority.

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

Surface Water Drainage

13. Prior to any above ground works commencing full details of the surface water drainage scheme for the site, based on the approved Report for Foul and Storm Water Drainage Strategy for a Residential and Commercial Development at 33 - 39 Drapery, Northampton rev C ref 81892-01 dated 25th March 2021 prepared by PRK UK Ltd, 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.

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

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

15. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the Report for Foul and Storm Water Drainage Strategy for a Residential and Commercial Development at 33 - 39 Drapery, Northampton rev C ref 81892-01 dated 25th March 2021 prepared by PRK UK Ltd 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.

Noise

16. Prior to the commencement of development, the submitted Acoustic Report undertaken by Swenco UK Ltd dated 21st December 2020 reference 65201962-ACO.REP1 shall be updated to include an assessment of the noise impact out of any lockdown restrictions due to the Covid-19 Pandemic and shall include an assessment of the Boston Clipper Public House (26 College Street) and this shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures approved therein shall be implemented in full prior to first occupation of the student rooms hereby permitted and thereafter retained in a fully working condition.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

17. Prior to any works above lower ground floor slab level a noise attenuation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details and specifications of the façade, windows, glazing, ventilation, internal floors, and internal walls. Any proposed mitigation measures must ensure that the internal noise climate for each dwelling achieves the recommended internal ambient noise levels outlined in paragraph 7.7.2 and Table 4 of BS8233:2014 and external noise climate for outdoor spaces outlined in paragraph 7.7.3.2 of BS8233:2014. No student room shall be occupied until the approved noise attenuation scheme, and mitigation measures for noise attenuation and overheating, have been implemented in full for that room. The approved noise attenuation scheme, and mitigation measures for noise attenuation and overheating, shall subsequently be maintained in perpetuity in full working condition.

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

Asbestos

18. Prior to the commencement of development a demolition asbestos survey shall be submitted to and approved in writing by the Local Planning Authority including details of how and when any asbestos containing materials will be removed from the site. The submitted survey shall be fully intrusive and comply with the Control of Asbestos Regulations 2012. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

Site Management Plan

19. Prior to any works above lower ground floor level, 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.

Lighting

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

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

Boundary Treatment

21. 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.

Hard & Soft Landscaping

22. 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.

Waste Management

23. 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.

Cycle Storage

24. Prior to first occupation of the student development hereby approved, the secure student cycle storage, as shown on plans 20038_pl(23)_01 Rev B and 20038_pl(23)_02 Rev D, and broxap BX/MW/HI-RISE two tier cycle storage solution brochure 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

Refuse Storage

25. The commercial and student bin stores as shown within plan 20038_pl(23)_02 Rev D shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for bin storage.

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

Accommodation Limit

26. The residential student development hereby permitted shall be a 201 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.

Deliveries

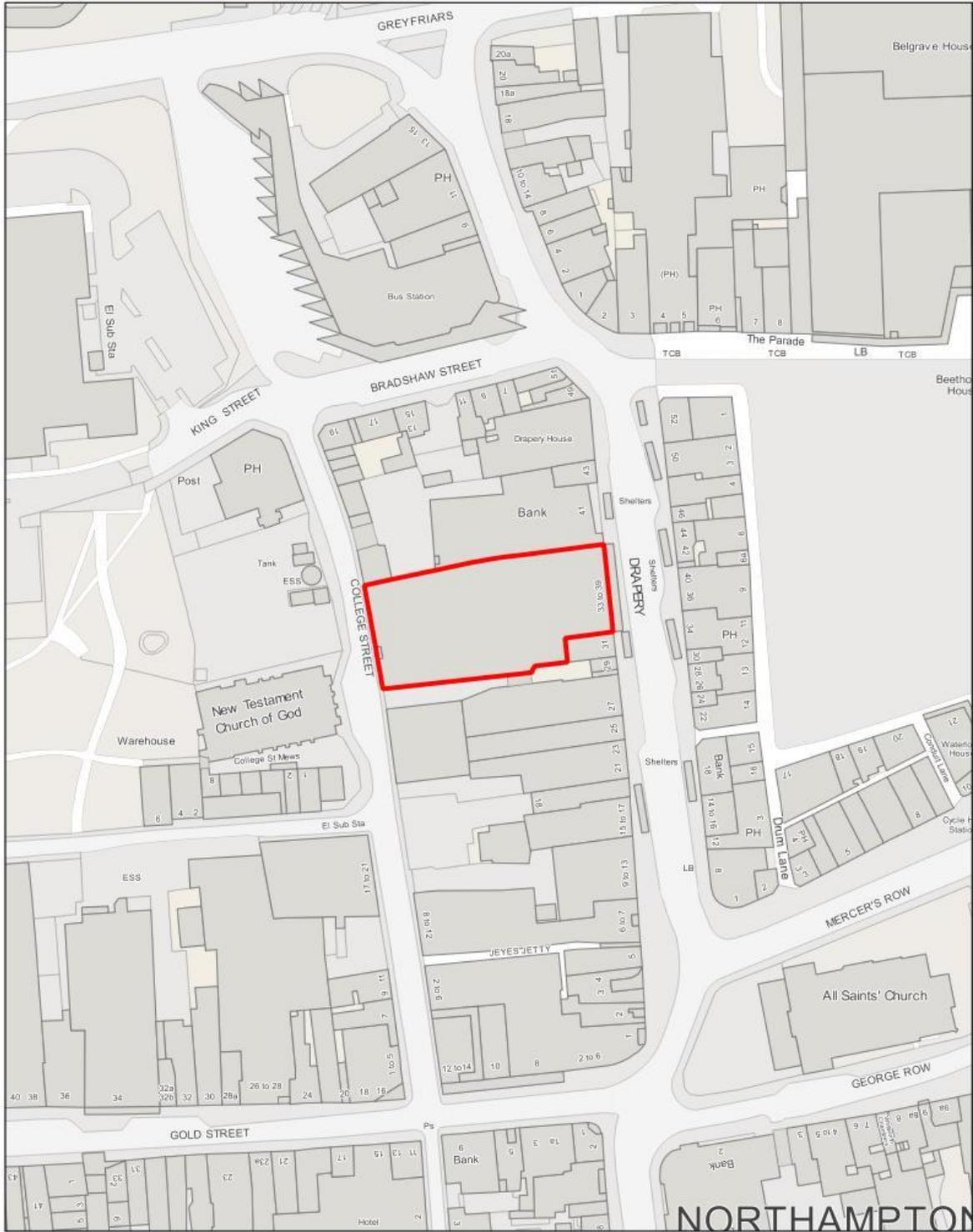
27. No deliveries shall occur to the retail unit hereby permitted between the hours of 18:00pm and 08:00am. Mondays – Saturdays and there shall be no deliveries at any time on Sundays.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development.

Use of Gym

28. For the avoidance of doubt the gym amenity space as shown within plan 20038_pl(23)_01 Rev B shall be for use by the occupiers of the student hall only and shall not be open to members of the public.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: **Debenhams 33 - 39 Drapery**

Date: 22-09-2021

Scale: 1:1,250 @A4

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Drawn: M Johnson