



Planning Committee Report

Committee Date: 4th October 2022

Application Number: WNN/2022/0301

Location: Car Park, College Street, Northampton

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

Applicant: The Zone Pension Trust

Agent: Scott Hobbs Planning

Case Officer: Christopher Wentworth

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 A S106 LEGAL AGREEMENT as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

Proposal

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
- Planning Policy

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

2 no. letters of objection 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
- Heritage Impacts
- Design and Appearance
- Residential and Neighbour Amenity
- Highway Impacts
- 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 is currently used as a surface level car park. The site sits to the between the Grade II listed Church (New Testament Church of God) to the south, the Boston Clipper Public House to the north and St Katherines Gardens to the west. To the east lies the public highway and the rear of buildings fronting the Drapery, such as the former Debenhams Department Store.

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 (ON ADJACENT SITE)

- 4.1 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.

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
 - 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 Central Area Action Plan 2013 (CAAP)

5.4. The relevant policies are:

- 1 – Promoting Design Excellence
- 11 – Town Centre Boundary
- 12 – Primary Shopping Area
- 16 – Central Area Living

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- **National Planning Policy Framework (NPPF)**

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

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 6 – Building a strong and competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Design

Paragraph 187 – impact of development on existing business

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development – *Significant Weight*
- Policy 2 – Placemaking and Design – *Moderate Weight*.
- Policy 4 – Amenity and Layout – *Moderate Weight*.
- Policy 13 – Residential and other residential led allocations – *Significant Weight*.
- Policy 14 – Type and Mix of Housing – *Moderate Weight*.
- Policy 31 – Protection and enhancements of designated and non-designated

- heritage assets – *Significant Weight*.
- Policy 35 – Parking Standards – *Significant Weight*.
- 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	<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 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</p>

	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.
Town Centre Conservation Area Advisory Committee	The Northampton Town Centre Conservation Areas Advisory Committee noted that the applicant is considering the use of buff bricks. It felt that this should be a requirement. The Committee wishes to reiterate that the new building should enhance the area and the setting of the listed chapel.
Ecology Officer	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. 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.
Public Protection	No objection subject to conditions; <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
Northampton Town Council	Supports the proposal. Development seen as positive and would reduce the need for HMO's in the town.
Policy Team	The policy team has no objections to the principle of the scheme, subject to resolution on the matters associated with height, scale, bulk and heritage (scale subsequently revised – no further comments received).
Anglian Water	No comment.
Highways	- Bus ticket should be provided – 1 per unit. As the proposed building is within 1m of the highway boundary, the following conditions must apply: <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 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. Two letters objecting to the application have been received. The comments can be summarised as follows:

Objections and observations:

- The unacceptable impact upon the continued operation of an adjacent public house/entertainment LGBTQIA+ venue.
- The visual impact of the development in its locality.
- 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.

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 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.
- 8.3 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.
- 8.4 The proposal would result in the loss of a private car park which is open for public use subject to a fee. It is noted that the car park is currently closed as it is being used for construction works taking place at the former Debenhams Department Store. Whilst the 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 and the Mayorhold car parks. 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.
- 8.5 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

- 8.6 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. 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.
- 8.7 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.

- 8.8 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.9 At present, the site is a surface level car park with no buildings located upon it. 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 with a presence also onto College Street. It is noted that the originally submitted scheme was for a larger building that was 6 storeys high.
- 8.10 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 chapel (grade II listed), 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 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.
- 8.11 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 drapery chem that uses a similar design language.
- 8.12 It is considered that the proposed elevation for College Street would be an improvement to the existing surface level car park with boundary treatments that are in a state of disrepair. 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 actually improve the setting of the listed building by bring a underutilised area back into use and elevating College Street to one of a main thoroughfare rather than a service road to the rear of the Drapery as it currently appears. It is noted that the Conservation Officer still objects to the amended scheme 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. They go on state that the bulk and scale of the proposed development would be intrusive in views along College Street and would dominate the adjacent listed church, which is the principal landmark in the street, would be harmful to its setting' and that the amended plans) are still considered to cause additional harm.
- 8.13 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 is welcomed as it clearly 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, the authority takes 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, the authority takes the view that the reduced scale of the proposal along with his 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.

- 8.14 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.
- 8.15 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 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.
- 8.16 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 Sta Katherine Garden elevations. Discussions on the most appropriate brick choice, e.g. the use of buff brick are ongoing but consider that such details can be agreed by condition to ensure a high quality development is delivered.
- 8.17 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

- 8.18 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).

- 8.19 The Council does not have a policy regarding the minimum size requirements for student accommodation. 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 to all rooms.
- 8.20 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.
- 8.21 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.

Impact on neighbouring amenity and surrounding uses

- 8.22 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.
- 8.23 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 also noted that whilst reference to these habitable room windows is mentioned within the comments received, no floor plan has been provided so as to allow a full assessment of these rooms and whether they are served by other windows to the northern or eastern elevation. 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, the impact upon this informally used space would not be sufficient to warrant refusal of the scheme on this basis.

- 8.24 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 north of the site at 26 College Street which has a license to hold late night DJ and live music events until 6am.
- 8.25 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.
- 8.26 A Noise Assessment and an addendum to that assessment has been submitted with the application and assessed by Public Protection. The submitted Noise Assessment also includes an assessment of the Boston Public House. 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.
- 8.27 The development proposal includes student accommodation with habitable room windows facing towards both College Street and St Katherines Gardens, although not to the north facing the adjacent public house. The application site is located to the south of the Boston Clipper Public House which is a LGBTQIA+ venue that has a late licence until 6am. As part of the assessment the applicant has been required to submit a noise impact assessment along with appropriate mitigation measures so as to ensure that appropriate levels of amenity for proposed occupiers are made and that there are no unreasonable expectations placed upon the continued operation of existing businesses in the vicinity.
- 8.28 A noise assessment has been undertaken and prepared by Sweco UK Limited, dated 14th December 2021, Document Ref: 65204849-001-ACO.REP1 and has been reviewed by Public Protection. The adjacent public house occupiers have also assessed the noise assessment and subsequent additional information and have commented upon it. The report is 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 Northampton based 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.
- 8.29 Public Protection state that "Outcomes from the modelled of noise sources (road traffic noise and entertainment noise from the Boston nightclub (including external noise from the beer garden) identified to be a potential concern are accepted. As expected from the initial risk assessment for site suitability in accordance with the Pro PG: Planning & Noise has identified low to moderate levels of road traffic noise for night-time periods on all facades of the proposed apartment block and the existing noise climate is predominantly affected by entertainment noise from The Boston nightclub, which is the overriding noise constraint".
- 8.30 The proposed mitigation contained within the report is accepted by Public Protection who raise no objection to the proposal in this regard. However, it is noted that the

adjacent occupiers contend that the noise assessment is not comprehensive enough and that the agent of change principle has not been adequately assessed. However, the authority is happy with the scope and methodology of the noise assessment along with the recommended mitigation measures which in brief would achieve the site-specific indoor noise level criteria for the worst affected studio apartments. On this basis the following would need to be introduced into the building design. It is considered appropriate to secure such measures by planning condition.

- Normal ventilation via a mechanical system (e.g. MVHR).
- 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 location.

8.31 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.

Public Sector Equality Duty

8.32 The Equality Act 2010 introduced a new public sector equality duty (the PSED), which cover nine protected characteristics including sexual orientation. This is 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 its function in relation to the equality act.

Highway Impact

8.33 The application site is located within the town centre and as such the nil provision of parking spaces is considered acceptable.

8.34 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. 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 within the highway would require separate consent from the highway authority and therefore it is not necessary to secure such measures by planning condition. 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 or the local road network within the town centre.

8.35 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.

Crime Prevention

- 8.36 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.
- 8.37 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

- 8.38 In addition to the comments outlined in para 8.24-8.31, the Council's Public Protection team have requested conditions on noise ingress, a Construction Environmental Management Plan (CEMP), air quality mitigation, building services control, contamination/remediation, noise attenuation, construction/delivery times and waste management. These are considered reasonable to attach.
- 8.39 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.
- 8.40 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

- 8.41 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.
- 8.42 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.
- 8.43 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, the adjacent All Saints Conservation Area, neighbouring amenity, the highway system, or crime and safety. The development will result in a positive impact upon the setting of the historic environment in visual impact terms. 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

11.1 Approve, subject to conditions and S.106 agreement.

12. 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_pl(20)_01E, 21057_pl(20)_02D, 21057_pl(20)_03B, 21057_pl(23)_01D, 21057_pl(23)_02B, 21057_pl(23)_03B, 21057_pl(23)_04B, 21057_pl(23)_05B, 21057_pl(90)_02B, 21057_ex(--)_01.

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

3. Notwithstanding the materials details already submitted, 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.

4. Prior to any above ground works a scheme for the provision of bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme and retained thereafter.

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

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.
- 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.
- 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.

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

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

7. No development shall take place until an investigation and risk assessment to assess the nature and extent of any contamination of the site has been completed, in accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, pets, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

11. Prior to any 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. No above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

Reason: In the interests of air quality.

18. Prior to occupation of the Development hereby approved, details of building services noise control shall be submitted to and approved by the West Northamptonshire Council. Such a scheme of works shall be capable of controlling building services noise (such as that arising from ventilation equipment) to the following levels:

Indoor building services noise shall be controlled as to not exceed the following levels during normal ventilation mode:

- Habitable rooms (daytime): NR(Leq) 30 (0700 to 2300 hours); and
- Bedrooms (night-time): NR(Leq) 25 (0700 to 2300 hours);

Indoor building services noise shall be controlled as to not exceed the following levels during summer-time peak ventilation mode:

- Habitable rooms (daytime): NR(Leq) 40 (0700 to 2300 hours); and

- Bedrooms (night-time): NR(L_{eq}) 30 (0700 to 2300 hours);

The noise rating shall be determined using octave bands between 63 Hz and 8kHz.

Outdoor building services noise shall be controlled as to not exceed:

- A noise level, dB L_{Aeq,T}, of no more than 6 dB less than the representative background sound level at existing residential receptors.

Background sound levels for daytime and night-time shall be determined following the guidance within BS 4142:2014+A1:2019. Noise limits shall apply at a position 1m outside of the worst-affected window to habitable rooms at existing residential receptors. The scheme of sound insulation works shall include a description of buildings services noise control measures (such as attenuators) where these noise levels would otherwise be exceeded. The building shall not be occupied until the buildings services noise control measures have been implemented in accordance with the approved scheme and thereafter permanently retained.

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

19. Above ground works on the Development hereby approved shall not commence until a scheme of sound insulation works has been submitted to and approved by West Northamptonshire Council. Such a scheme of works shall be capable of achieving the following indoor noise levels:

General Environmental Noise Ingress:

- Habitable rooms (daytime): L_{Aeq,16 hour} of 35dB (0700 to 2300 hours); and
- Bedrooms (night-time): L_{Aeq,8 hour} of 30dB (2300 to 0700 hours) and L_{Afmax,5min} of 45dB no more than 10 times a night (2300 to 0700 hours).

Night-Time Entertainment Noise Ingress:

- Bedrooms (night-time): Night-time entertainment noise ingress shall not exceed any of the three site-specific entertainment noise criteria defined in Section 2.8 (Page 19) of the Sweco report entitled "Planning Report – Acoustics, College Street, Northampton" dated 14th December 2021, Document Ref: 65204849-001-ACO.REP1. These apply to noise from adjacent hospitality venues during the night-time.

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

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

20. 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.

21. 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.

22. 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.

23. Prior to first occupation the noise mitigation scheme outlined within the Noise Impact Assessment Sweco UK Limited, dated 14th December 2021, Document Ref: 65204849-001-ACO.REP1 shall be provided in full on the site. The noise mitigation scheme shall thereafter be retained in a fully working condition.

Reason: In the interests of residential amenity and for surrounding occupiers in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy

