

**PLANNING COMMITTEE:** 19<sup>th</sup> May 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0612

**LOCATION:** Bective Works, Bective Road

**DESCRIPTION:** Erection of purpose-built student accommodation comprising 347no rooms with 356no bed-spaces, following partial demolition of existing buildings. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas, with associated landscaping and other works

**WARD:** Sunnyside Ward

**APPLICANT:** U3 Developments Limited  
**AGENT:** Smith Jenkins Ltd

**REFERRED BY:** Councillor S Beardsworth  
**REASON:** Parking concerns and question need of student accommodation

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to S106 legal agreement to secure:

- Contribution to fusion 22 for construction training;
- Contribution to traffic regulation alterations;
- Contribution to the maintenance of bus shelters;
- Contributions towards monitoring of Travel Plan;
- Requirement as an obligation that listed building works on site must be completed prior to first occupation of the student hall;
- Requirement for a clause to be included in students tenants agreements prohibiting car use;
- Requirement for the minibus service to continue for the life of the development.

**1.2** The conditions as set out below and for the following reason:

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, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic

environment, this would not be significant and would be outweighed by the public benefits of the scheme. 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 Policy E20 of the Northampton Local Plan (Saved policies) 1997.

- 1.3 It is recommended that in the event that the Section 106 Legal Agreement is not completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2 THE PROPOSAL**

- 2.1 The application proposes the erection of a purpose built student accommodation comprising 347 rooms with 356 bed-spaces. As part of this, the existing listed building would be converted to an ancillary student hub and retail units. A basement carpark is also proposed.

## **3 SITE DESCRIPTION**

- 3.1 The application site is located on the southern side of Bective Road and extends to the south to join Yelvertoft Road. To the west of the site is a small row of shops fronting Harborough Road. To the north, east and south the application site is predominantly bordered by residential dwellings within two storey terraced rows.

- 3.2 The application site includes the grade II listed Abraham Lee boot and shoe factory dating from 1902, and extended by 1924. This listing advises:

‘This purpose-built boot and shoe factory has a carefully detailed front, and not only was it one of the first single-storey boot and shoe factories but it is one of the few pre-1st World War ones to survive...Very few survive and this is a fine example.’

- 3.3 The majority of the site is now vacant. The extended element of the listed building was recently in use by a martial arts studio and furniture restoration company. The 1902 section of the listed building is in a poor state of repair and has been vacant for an extended period of time.

## **4 PLANNING HISTORY**

- 4.1 N/2019/0613 - Listed Building Application for partial demolition of existing buildings, redevelopment of site to provide student accommodation. Refurbishment and change of use of listed building to provide ancillary student hub, retail units, plant, storage and refuse areas with associated works – Pending Consideration
- 4.2 N/2019/1450 - Lawful Development Certificate for existing implementation of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) – Approved 27/01/2020
- 4.3 N/2019/0449 – Non-Material Amendment of Planning Permission N/2015/0419 (Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road) to amend the wording of Conditions 13 and 14 – Approved 16/04/2019
- 4.4 N/2017/0028 - Listed Building Consent Application for demolition of outbuildings and later extensions to the Grade II listed Enterprise House – Approved 15/03/2017

- 4.5 N/2015/0419 - Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road – Allowed at appeal 14/06/2016
- 4.6 N/2012/1269 – Repairs to roof following fire damage – Approved 07/02/2013
- 4.7 N/2012/1093 – Demolition of Bective Works and Jebez House. Erection of a new student accommodation building, incorporating a retail unit and lower ground floor parking and service space, together with new vehicular access and pedestrian access and associated landscaping proposals, plus the alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Dismissed at appeal 04/08/2014
- 4.8 N/2012/1092 - Application for Listed Building Consent for alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use – Approved 04/09/2013
- 4.9 N/2011/1074 - Demolition of existing Bective works and Jebez House and the erection of 406 no. student accommodation building incorporating a 288sqm retail unit, 17 no. space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use. (WNDC Consultation) – Refused 17/02/2012
- 4.10 N/2011/0844 - Temporary 5 month change of use for storage of materials for works to Harborough Road. Retrospective – Approved 27/10/2011
- 4.11 11/0065/FULWNN – Demolition of existing Bective Works and Jebez House and the erection of 406 student accommodation building incorporating a 288sqm retail unit, 17 space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use – Refused.
- 4.12 WN/2006/0028 - Demolition of existing Bective Works and Jebez House and the erection of 155 residential units with associated landscaping and underground car parking – Approved.
- 4.13 N/2005/1434 – Partial demolition and external and internal alterations to form B1 offices together with landscaped courtyard – Approved 20/01/2006
- 4.14 N/2004/0193 – Use of part of building as coffee shop – Approved 31/03/2004
- 4.15 N/2003/1267 – Change of use of first floor from factory unit to martial arts club – Approved 20/11/2003
- 4.16 N/1999/530 – Change of use from business (B1) to warehouse/distribution of car components (B8) – Approved 04/08/1999
- 4.17 N/1995/195 – Double storey office block car park and access plus associated work – Approved 01/06/1995

## **5 PLANNING POLICY**

### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **5.2 National Policies**

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.  
Paragraph 60 - Housing needed for different groups in the community.  
Paragraph 127 - Create places with a high standard of amenity for existing and future users.  
Section 8 - Promoting healthy and safe communities.  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places.

## **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance 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

## **5.4 Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

## **5.5 Supplementary Planning Documents**

Northampton Parking SPD (2019)  
Planning out Crime in Northamptonshire SPG 2004

## **6 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection subject to conditions covering air quality, land contamination, environmental noise, refuse and recycling, and a construction and environmental management plan.

- 6.2 **NBC Planning Policy** – Concerns raised as to proposed use although it is noted that the previous permission N/2017/0028 can still be implemented on the site.
- 6.3 **NBC Conservation Officer** – The change of use of the main building is acceptable as a means of bringing them into use. The revised scheme better relates to the pattern of development in the area and as such the development would have an acceptable impact on the setting of the listed building. The level of harm would be less than substantial and would need to be weighed against the public benefit of the proposal. Request condition on materials and boundary treatments.
- 6.4 **Historic England** – No comment.
- 6.5 **Anglian Water** – Request informative advising of Anglian Water assets near to the site, used water network, and surface water disposal. A condition is requested regarding surface water.
- 6.6 **NCC Highways** – No objection. Advise that whilst a minibus is provided by the University to provide transport to Bedford Road, and public transport is available, it is inevitable that a percentage of students will bring personal vehicles into the area. Parking on the street is in high demand and these likely vehicles will inevitably affect the amenity of existing residents in the area. Contributions are requested towards traffic regulation alterations, bus shelters, and for the travel plan for this proposal. Request conditions on a site management plan, a clause in the lease prohibiting car ownership, the reinstatement of dropped kerbs, and that the minibus will continue for the life of the development.
- 6.7 **NCC Archaeology** – Request condition on an archaeological programme of works.
- 6.8 **NCC Ecology** – A condition is requested on ecology.
- 6.9 **NCC Planning** – A library contribution is requested. A condition requiring fire hydrants and sprinkler systems is requested.
- 6.10 **Environment Agency** – No objection. Request condition on remediation strategy, verification report, unexpected contamination, and drainage systems.
- 6.11 **Lead Local Flood Authority** – No objection. Request conditions on surface water drainage, maintenance and verification.
- 6.12 **Northamptonshire Police** – Request condition requiring security measures to be implemented on site.
- 6.13 **Fusion 22** – A contribution is requested towards apprentice schemes.
- 6.14 **Councillor S Beardsworth** – Concern regarding height and lack of parking facilities and that the university is now not in Kingsthorpe and so there shouldn't be a need for student accommodation.
- 6.15 **Michael Ellis MP** – received concern from constituent that development will result in parking and litter issues.
- 6.16 23 letters have been received for this application and 8 for the associated listed building consent application N/2019/0613. The concerns raised in these letters can be summarised as follows:
- Regenerating a brownfield derelict site is worthwhile.
  - The University has moved away from this area and as such student accommodation is not needed in this area – unsustainable.
  - No need for student accommodation – existing halls of residence are not full.
  - Student accommodation in this area is contrary to planning policy.
  - Area is family community and not for students.
  - No amenities in area for students.

- Proposed retail units will remain empty as there are existing empty shops in the area.
- Proposed development will overshadow neighbouring properties.
- Overlooking of neighbouring properties from windows.
- Scale and appearance of development is out of character with area – visually overpowering, imposing and not sympathetic to local area.
- Noise pollution from students.
- Light pollution from proposed building.
- Exacerbation of poor air quality from students.
- Impact upon heritage assets.
- Parking issues in area will be exacerbated by proposal as students will have cars and park in surrounding streets, alongside visitors. Insufficient parking is provided on site.
- Any agreement that students will not bring cars will be unenforceable.
- Parking issues when students move in and out.
- Taxi and minibus movements will disturb neighbouring residents especially at night.
- Nearby shops rely on people parking in streets. If customers can't cope this will impact upon the shops.
- Residents have tried to get permit parking in the area but it is not allowed.
- Concern only access is off Bective Road.
- As the University has moved, University bus serves have curtailed.
- Infrastructure cannot cope with proposed number of students i.e. bus numbers, road network.
- NCC Highway comments needed on application.
- Proposal increases number of students from that previously approved.
- Crime issues from students – County Line crime issues exist with students.
- Students intimidating to elderly residents.
- Developer should provide Police Community Support Officers for the area to deal with any issues.
- Previous approval was not commenced within 3 years and as such has expired.
- Want affordable housing not student accommodation.
- If unit is built it may be turned into flats without parking.
- Fire risk due to density of development.
- Increase in litter as a result.
- Result in a decrease in property values.
- Impact on and damage to neighbouring properties from construction work.
- Impact of site construction vehicle parking.

## **7 APPRAISAL**

- 7.1 The current application follows previous application N/2015/0419 which was approved at appeal on the 14<sup>th</sup> June 2016. A Lawful Development Certificate reference N/2019/1450 was granted on the 27<sup>th</sup> January 2020 confirming the lawful implementation of application reference N/2015/0419. As such, the previous permission on this site can still be implemented. This was for student accommodation for 293 study bedrooms and retail unit.
- 7.2 The application now under consideration proposes student accommodation with 347 rooms and 356 bed spaces, an increase of 54 bedrooms over that previously approved on the site. These rooms would be provided within 107 separate flats, and each flat would have its own kitchen and each bedroom would be en-suite. The proposal would comprise 6 blocks, A-F. Blocks A-D would visually form one building, appearing as a three storey terrace row from Bective Road and Yelvertoft Road with two storey links. Blocks E and F would form one three storey building positioned to the south of the existing listed building in line with Yelvertoft Road. There would be a primary and secondary entrance for the proposed halls from Bective Road.
- 7.3 The application also includes the conversion of the existing listed building into a student hub alongside two commercial shop units (Use Class A1). The shop units would be provided fronting Bective Road and accessible by the general public alongside the student occupants. At first floor a

gym would be provided accessible from the general public entrance. With regards to the student hub, a common room with kitchen would be provided at ground floor. It has been confirmed that this kitchen would only be for cold food. A large cycle store and bin store would be provided within the rear (south) of the building. Fenestration alterations would occur as part of this conversion with the replacement and repairing of existing windows and doors, the insertion of 2 new doors and the infilling of two doors within the southern elevation, and the insertion of 8 new windows and doors within the western elevation. An existing rear projection to this listed building would be demolished as part of the works.

- 7.4 The application also includes a basement car park with 36 parking spaces (4 of which are disabled parking bays).
- 7.5 During the course of the application the proposal has been revised to reduce the number of bedrooms and to alter the appearance of the buildings through lowering the height and providing a terrace appearance to Bective Road and Yelvertoft Road.

### **Principle of development**

- 7.6 The application proposes the provision of student accommodation alongside the conversion of the existing listed building on site into a student hub and retail units.
- 7.7 The principle of providing student accommodation on this site has been established within appeal approval N/2015/0419. Whilst since this previous approval, the University has relocated away from this area, it is the case that the previous approval for this site has been implemented and as such student accommodation can be provided on this site under the previous approval. As permission N/2015/0419 is extant, the principle of providing student accommodation on this site is established and it would not now be reasonable to object to this proposed use. The principle of providing student accommodation on this site is, therefore, accepted.
- 7.8 In addition to student accommodation, the proposal includes two retail units and a gym within the listed building. Concern was raised in a neighbour letter that the retail units would remain empty as there are vacant units in the area. It is the case that retail units on this site have been approved previously, and that a martial arts studio was recently on the site. It is not, therefore, considered reasonable to object to the provision of retail units or a gym in principle.
- 7.9 It is also noted that the majority of the site, excluding part of the listed building, has been vacant and semi-derelict for a notable period of time and the proposal would result in the satisfactory reuse of the site and listed building structure. This serves two main benefits. The first being that a long term use would better secure the long term future of these heritage assets. Furthermore, the proposal would also add to the footfall within the surrounding area, which would assist in supporting the general viability and vitality of the locality.

### **The impact of the proposed conversion on the character and appearance of the listed building.**

- 7.10 The application site includes a Grade II listed former boot and shoe factory. This listed building is partially semi-derelict, having been vacant for an extended period of time. As part of this application the impact upon the listed building must be assessed, both through the works proposed to the listed building, and the setting of the listed building due to the proposed new build development.
- 7.11 The Council's Conservation Officer has been consulted on the proposal and has advised that there is no objection to the proposed development and there would be an acceptable impact upon the setting of the listed building, and that the proposed use of the listed building would be an acceptable means of bringing them into use.
- 7.12 Paragraph 196 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.

- 7.13 The application site as existing comprises a largely disused building which is deteriorating and in need of a viable use. Adjacent this listed building is a large open space where former factory buildings have been demolished. The application proposes a viable use for the vacant listed building, and would assist in bringing a largely disused Grade II listed building back into use.
- 7.14 The proposal would bring the building back into use, ensuring its repair and long term retention. It is considered important to secure a viable use for the long term retention of the vacant listed building and to stop any further decay to the built form.
- 7.15 On balance, it is considered that the securing of a viable use for the vacant listed building would outweigh any harm to the historic form through the proposed conversion and new build development. As such it is considered that the proposal would have an acceptable impact upon the Listed Building.

### **Design and the impact upon the street scene**

- 7.16 The application proposes minor alterations to the fenestration of the existing listed building. It is not considered that these alterations to the appearance of the existing building would harm the character and appearance of the street scene.
- 7.17 The application proposes student accommodation comprising 6 blocks, A-F. Blocks A-D would visually form one building, appearing as a three storey terrace row from Bective Road and Yelvertoft Road with two storey links. Blocks E and F would form one three storey building positioned to the south of the existing listed building in line with Yelvertoft Road. There would be a primary and secondary entrance for the proposed halls from Bective Road.
- 7.18 From Bective Road and Yelvertoft Road, the proposal would appear as a three storey flat roofed terrace row. Between each block, a lower two storey element would be used to assist in breaking up the visual bulk of the built form.
- 7.19 Bective Road and Yelvertoft Road are characterised by two storey traditional terraced rows with pitched roofs fronting the street scene. The proposal would predominantly be three storey with a flat roof, although the building forming blocks E and F would be two storey with a mansard roof forming the third floor. The height of the proposed building would be approximately 9.3 metres at three storey height and 6.3 metres at two storey height. The building approved under application N/2015/0419 that can still be erected on site is approximately 11 metres in height, raising to 14 metres in parts. It is, therefore, the case that whilst the current proposal provides an increase in bedrooms, it is visually smaller when viewed from Bective Road and Yelvertoft Road than the building which can be built under existing permission N/2015/0419.
- 7.20 The proposed development would be flat roofed, which is not in character with the traditional terraced properties found in Bective Road and Yelvertoft Road, but is in character with the flat roof commercial properties seen to the immediate west of the application site fronting Harborough Road. With the proposed development being for modern student halls, it is considered that the use of a modern design with a flat roof is acceptable on this site.
- 7.21 It is considered that the proposal would appear as a modern form of development which draws on the terraced character of the surrounding street scenes to provide a development which would not appear out of character with the surroundings, albeit using a flat roof design as opposed to the traditional pitched roofs seen on surrounding residential properties. It is considered that the proposed development is of a form and character which would complement the surrounding area and would be acceptable in design terms. It is also noted that the proposed development is a reduced height to that which can be built on the site under application N/2015/0419, assisting in reducing the visual bulk of the development from the surrounding street scenes.



## **Residential amenity**

7.22 The application proposes 356 bed spaces within 107 flats. These comprise:

- 35 x single studio flats
- 9 x twodio flats (two people flats)
- 7 x accessible flats
- 12 x single person flats
- 2 x 4 bed cluster flats
- 12 x 5 bed cluster flats
- 10 x 6 bed cluster flats
- 10 x 7 bed cluster flats
- 4 x 8 bed cluster flats
- 6 x 9 bed cluster flats

7.23 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.

7.24 The submitted plans show central green landscaped areas within the development. These are not intended to be used by the student occupiers, due to the potential crime risks associated with any users being able to walk up to the bedroom windows on the ground floor facing these courtyards. Whilst no amenity space is provided for the student occupiers, the application site is located within walking distance of amenity space, such as Kingsthorpe Recreation Ground, Bradlaugh Fields, and Thornton Park and it is not unusual for student halls to provide no outside amenity space for the student occupiers. It is, therefore, considered that the nil provision of amenity space is acceptable.

## **Neighbouring amenity**

7.25 The application site is bordered by residential properties to the north, east and south. The proposed development is separated from residential properties to the north and south by the roads of Bective Road and Yelvertoft Road. With the road separating the development from neighbouring properties, and the result a typical front to front relationship between the application site and existing neighbouring properties, it is not considered that the proposed development would result in an unacceptable loss of light to these neighbouring properties or result in unacceptable overlooking between properties. With the proposal being a two and three storey flat roofed building, it is not considered that the building would appear unacceptably overbearing to neighbouring residential occupiers, being a similar height to these existing properties.

7.26 To the east of the application site block F would fall adjacent the boundary of 55 Yelvertoft Road. The proposed block F would be positioned set down within the land levels, resulting in the three storey block being set lower than 55 Yelvertoft Road. It is considered that due to this set down, and the separation from the main building, the proposed block would not appear unacceptably overbearing to 55 Yelvertoft Road or result in an unacceptable loss of light. 2 windows are proposed on the eastern elevation serving the corridors at ground and first floor. In order to ensure that these windows do not result in unacceptable overlooking of 55 Yelvertoft Road, it is considered that these should be obscure glazed and non-openable.

7.27 Concern was raised within a neighbour letter that the proposal would result in unacceptable light pollution for neighbouring residential properties. The proposal is for a student halls of residence and window openings would appear similar to a terrace row of properties. It is not considered that the proposed building would result in light pollution above the normal expected levels from residential properties.

7.28 Concern was also raised that the proposal would result in noise and air pollution from the students to existing residential neighbours. The Council's Public Protection team have been consulted on

the application and have raised no objection on this matter. A condition is requested on air quality matters.

- 7.29 The application includes the provision of two shops and a gym within the existing listed building. Subject to conditions controlling opening and delivery hours, it is considered that the proposed uses would be acceptable and would not have an unacceptable impact upon neighbouring properties.
- 7.30 It is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.

### **Highways**

- 7.31 The application includes a basement car park for 36 spaces (including 4 disabled spaces). This car park is only for use by staff of the residential and commercial units, blue badge holders (residents) and motorised two-wheeled vehicles (staff and residents).
- 7.32 It is advised that provision for electric vehicle charging points will be made within the car park for future use and this will be secured through condition.
- 7.33 Section 6.6 of the submitted Transport Assessment outlines that the proposal also includes the provision of a mini-bus which will be free for students and will travel between the site, Moulton College and Waterside Campus.
- 7.34 Neighbour letters raised concerns with the lack of parking for student occupiers and the subsequent impact upon neighbouring streets, the lack of appropriate transport facilities between this area and the new university campus, and the impact of lost parking for customers of existing shops. Further concern was raised as to the impact during moving in and out periods.
- 7.35 Northamptonshire County Council Highways have been consulted on the application and have raised no objection to the scheme. Contributions towards traffic regulation alterations, maintenance of bus shelters, monitoring of travel plan are requested alongside conditions on a site management plan, a clause in the lease prohibiting car ownership, the reinstatement of dropped kerbs, and that the minibus will continue for the life of the development.
- 7.36 With no objection having been received from the County Council Highways team, it is considered that the proposed parking arrangement and cycle storage is acceptable.

### **Crime**

- 7.37 Neighbours letters raised concern as to the crime issues resulting from student halls, and also that students may intimidate elderly residents.
- 7.38 Northamptonshire Police have been consulted on the scheme and raise no objection to the proposal. This is following extensive discussions with the applicant as to the security measures needed within the student halls. It is advised that the security measures identified must be implemented on site and this will be required through condition.

### **Obligations**

- 7.39 As part of this application financial contributions have been requested from Fusion 22 and NCC Highways.
- 7.40 NCC Planning also request a contribution towards libraries however there is no planning basis for such a contribution to be requested.
- 7.41 In addition to financial contributions, it is also considered that any S106 agreement must also require:

- The completion of the works to the listed building prior to first occupation of any of the student accommodation hereby permitted.
- The requirement for a clause in the student lease preventing car ownership unless for disabled parking.
- The requirement for the minibus to continue for the life of the development.

7.42 The applicant has agreed to the above contributions and conditions.

### **Other matters**

- 7.43 The Council's Public Protection team were consulted on the application and raised no objection subject to conditions covering air quality, land contamination, environmental noise, refuge, and a construction environmental management plan. It is considered reasonable to attach such conditions.
- 7.44 Anglian Water and the Lead Local Flood Authority request conditions on surface water, and the Environment Agency request conditions on remediation, verification, drainage systems and contamination. Such conditions are considered reasonable to attach.
- 7.45 NCC Archaeology raise no objection to the scheme but request a condition on an archaeological programme of works, and NCC Ecology raise no objection to the scheme subject to a condition on ecology. Such conditions are considered reasonable.
- 7.46 Neighbour letters raised that they would prefer affordable housing to student accommodation on this site. The assessment of this application must be based solely on that which has been applied for and alternatives cannot be considered.
- 7.47 Neighbour letters raise that the building may be turned into flats with no parking as this is the wrong area for students. Planning permission is required for the conversion of a student halls into residential flats, and the appropriateness of this would be assessed should such an application ever be submitted. This cannot be assessed at this stage.
- 7.48 Neighbour letters raised concern as to the impact of construction work on existing residents alongside fears the proposal would result in decreased property values. These are not material planning considerations within the assessment of the application.

## **8 CONCLUSION**

- 8.1 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, neighbour amenity, the highway system, crime and safety. Whilst there would be some harm to the historic environment, this would not be significant and would be outweighed by the public benefits of the scheme. 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 Policy E20 of the Northampton Local Plan (Saved policies) 1997.

## **9 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 approved plans: (SK)001 Rev F, (SK)002 Rev E, (SK)003 Rev E, (SK)005 Rev D, (SK)006 Rev F, (SK)007

Rev C, (SK)008 Rev G, (SK)009 Rev C, (SK)010 Rev A, (SK)101 Rev F, (SK)102 Rev F, (SK)103 Rev F, (SK)104 Rev D, (SK)105 Rev A, (SK)201 Rev E, (SK)202 Rev E, (SK)203 Rev C, (SK)204 Rev D, (SK)301 Rev E, (SK)302 Rev E, (SK)303 Rev D, (SK)401 Rev E, (SK)402 Rev E, (SK)403 Rev D, (SK)501 Rev D, (SK)502 Rev D, (SK)503 Rev C, (SK)601 Rev D, (SK)602 Rev C, (SK)603 Rev C, (SK)605 Rev B, (SK)606 Rev B.

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

3. Prior to the commencement of development full samples of all proposed external facing materials shall be 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. This is a pre-commencement condition to enable timely submission of information.

4. Notwithstanding the details submitted, prior to the commencement of development, full details of any new windows and doors (including sections) within the listed building part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the historic environment in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

5. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be 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.

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. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be 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. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning

Authority prior to the commencement of development. 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) identification of all previous uses and contaminants associated with those uses;

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings
- adjoining land,
- groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
- ecological systems,
- archeological sites and ancient monuments;

(iv) 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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 is subject to the approval in writing of 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, which is subject to the approval in writing of 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 the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. Once approved, 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. This is a pre-commencement condition to ensure timely submission of details.

12. No development shall commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
  - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
  - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
  - c) A statement in writing from a suitably qualified ecologist to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

13. 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:
  - a) Fieldwork in accordance with the agreed written scheme of investigation
  - b) Post-excavation assessment (to be submitted within 6 months of the completion of fieldwork unless otherwise agreed in advance with the planning authority)
  - c) 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.

14. 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 and retained thereafter.

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

15. Prior to first occupation of the development, details of all boundary materials (including materials, design, opening mechanism, access control of all vehicle and pedestrian 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 the commencement of the residential use hereby permitted, a Full Site Management Plan 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.
- v) CCTV, including the location of each camera.
- vi) External lighting.
- vii) Fire alarm system, including location of each.

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.

17. A scheme for the containment, mitigation and management of noise emanating from the site, including details of all external mechanical fixed plant equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The scheme shall be implemented in accordance with this scheme and retained as such 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.

18. Prior to the occupation of the development hereby approved, the existing access points on Bective Road and Yelvertoft Road, other than that serving the proposed basement as shown within plan (SK)001 Rev F, shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no further points of access shall be created thereafter.

Reason: To confine access to the permitted point in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the requirements of the National Planning Policy Framework.

19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

20. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019 have been 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,

- i) 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 and proposed pump installations
- ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
- iii) cross sections and manufacturers hydraulic curves for all control chambers and flow control devices.
- iv) details/demonstration of exceedance routes.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site

21. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site, including the proposed pumping installation, has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To ensure the future maintenance of drainage systems associated with the development

22. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement ref 6125 R001 FRA prepared by BCAL dated March 2019  
These 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.

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

23. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

24. 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.

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.

25. Full details of a minimum of 4 electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

26. The windows within the eastern elevation of block F shall be entirely obscure glazed and secured shut up to 1.7 metres above the floor level of the room within which the window is located, and retained as such at all times thereafter.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

27. The bin stores as shown within plan (SK)601 Rev D and (SK)201 Rev E 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.

28. The bike store as shown within plan (SK)601 Rev D shall be provided on site prior to the first occupation of the development hereby approved and retained at all times thereafter for the storage of bicycles of the student occupiers of the development.

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

29. The parking spaces within the basement as shown in plan (SK)005 Rev D shall be for the use of occupiers of the student hall and employees of any part of the development only and shall not be for use by customers of the retail and gym units hereby permitted.

Reason: To protect the amenity of future occupiers of the student halls whose windows look over the access ramp for this car park in accordance with the requirements of the NPPF.

30. The retail and gym units hereby permitted shall be open to the public only between the hours of 07:30am and 22:00pm Mondays to Saturdays and at no time on Sundays or Bank or Public Holidays.

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

31. No deliveries shall occur to the retail and gym units hereby permitted between the hours of 22:00pm and 07:30am.

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

32. The Type 1 Mitigation proposals set out in Section 6.5 of the MEC Air Quality Assessment Report dated July 2019 reference 25187-04-AQA-01 shall be implemented on the site prior to first occupation of the development and retained as such 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.

33. The residential development hereby permitted shall be a 356 bed spaces 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.

### **Informatives:**

The Environment Agency recommend that developers:

1. Follow the risk management framework provided in the Land contamination: risk management guidance on gov.uk, when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information

Anglian Water advise:

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

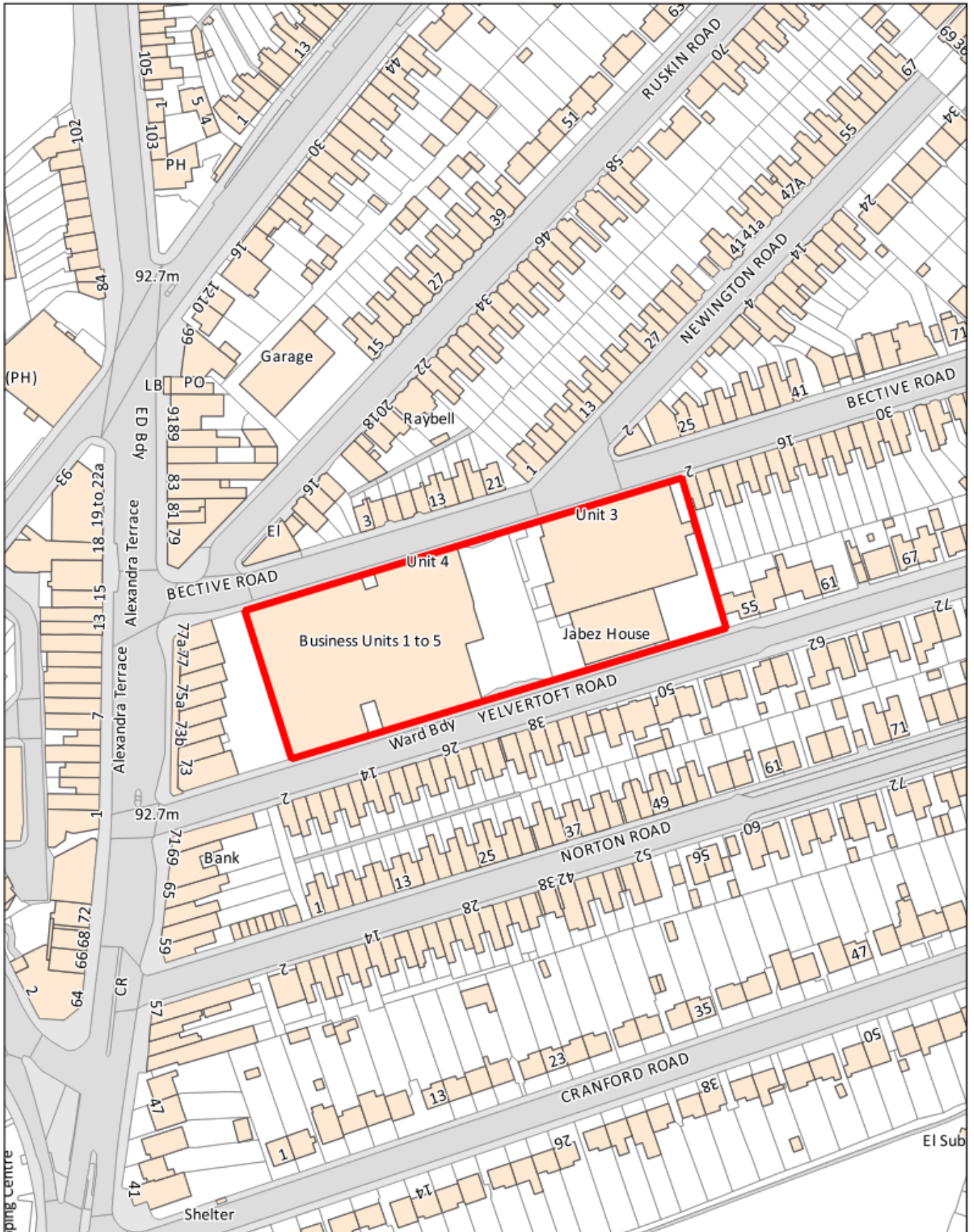
(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **10 LEGAL IMPLICATIONS**

- 10.1 The development is not CIL liable.

## **11 SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **Bective Works, Bective Road**

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Date: 28-01-2020

Scale: 1:1,500

Drawn by: -----