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## Appeal Decision

Hearing held on 27 April 2016

Site visit made on 27 April 2016

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 June 2016**

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**Appeal Ref: APP/V2825/W/15/3140695**

**Bective Works/Jebez House, Bective Road/Yelvertoft Road, Northampton, Northamptonshire NN2 7TD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Pelican Real Estate Limited against the decision of Northampton Borough Council.
  - The application Ref N/2015/0419, dated 2 April 2015, was refused by notice dated 30 July 2015.
  - The development proposed is the provision of purpose built Student Accommodation comprising 293 study bedrooms, following the demolition of the existing buildings comprising the Bective Works and Jebez House.
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### Decision

1. The appeal is allowed and planning permission is granted the provision of purpose built Student Accommodation comprising 293 study bedrooms, following the demolition of the existing buildings comprising the Bective Works and Jebez House at Bective Works/Jebez House, Bective Road/Yelvertoft Road, Northampton, Northamptonshire NN2 7TD in accordance with the terms of the application, Ref N/2015/0419, dated 2 April 2015, subject to the conditions set out in the schedule at the end of this decision.

### Procedural Matters

2. The proposal is accompanied by a copy of a signed Section 106 Unilateral Undertaking (UU) dated 27 April 2016 in relation to contributions towards a Construction Training Scheme, public transport improvements, a Traffic Regulation Order and travel mitigation. It also contains provisions for a Construction Training Scheme, Travel Plan and a Management Plan. I return to this matter below.

### Background and Main Issue

3. The appeal site has a significant planning history. This includes planning permission granted in 2006 for the erection of 152 residential units with car parking and landscaping. In 2011 an application for the renewal of that residential scheme was submitted and remains un-determined. An application for student accommodation comprising 399 rooms was refused in 2011. In 2014 an appeal <sup>1</sup> for student accommodation on the site was dismissed. The

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<sup>1</sup> APP/V2825/A/14/2214518

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main issues before the Inspector were the living conditions of local residents with regard to noise and disturbance and the effect on the character and appearance of the area. The conclusions were that living conditions of local residents would not be harmed and the principle of the use of the site for student accommodation was acceptable. In relation to character and appearance the conclusion was that the scheme would be intrusive and overbearing in the street scene.

4. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to height, scale, massing and design.

### **Reasons**

5. The appeal site is located between Bective Road and Yelvertoft Road which are mainly residential in nature. Bective Road and Yelvertoft Road slope up noticeably to the east from Harborough Road (A508) to the west. Harborough Road is a major route into Northampton and there are a wide range of shops, services and community uses within the area. Generally, the immediate area surrounding the appeal site is urban in both appearance and character.
6. Opposite the appeal site on Bective Road and Yelvertoft Roads is terraced housing. This is one of the most predominant characteristics of the residential street scene. However, there are also semi-detached two storey houses as well as chalet bungalows on this part of Yelvertoft Road. Some of the bungalows have accommodation in the roof in the form of dormers and they are all set back slightly from the pavement. A small number of these bungalows are opposite the south east portion of the appeal site. The design of properties varies and ages range from the late 1800s to more modern houses. Given the age of the terraces and detailed features, these houses are particularly attractive. The materials found in the area include red brick, small areas of render and some reconstituted stone. The detailed design of houses includes horizontal and vertical features such as brick piers and cills and lintels to windows.
7. The appeal site comprises hard-standing and vacant commercial and industrial buildings. The existing buildings are mainly single storey, although some have a fairly large footprint. The Council does not object to the demolition of the existing buildings on the appeal site. The buildings do not make a positive contribution to the appearance of the area and I therefore see no reason to disagree with this matter.
8. I accept that the proposal would incorporate elements which would be taller than some of the buildings found in the immediate area. However, the proposed scheme would incorporate a mansard roof with accommodation provided in the roof. The main roof would be set back slightly from the main elevation. I consider that the degree of the pitch of the roof would be sufficient to reduce the effect of an increase in height within the appeal site. There is some accommodation within roofs found in the locality, including dormers. The design of the roof would be appropriate to the context of the mix of pitch and hipped roofs locally. The building would also have varied heights along all elevations which would reflect the general nature of the residential properties along the different parts of each road. The proposal would therefore not be significantly at odds with the character of the area in this respect.

9. The south east elevation of the proposed scheme would be two storeys in height. The ridge height of the roof would be similar to that of the two storey houses to the east. Although the south east elevation would be adjacent to the pavement, due to the separation distance from the bungalows and semi-detached houses on Yelvertoft Road, I consider the scheme would not be overly dominant in relation to these dwellings. It would help to maintain the sense of openness and spaciousness on this part of the road.
10. The northwest part of the building would be a maximum of four storeys and would contain the main entrance for the accommodation. This part of the north elevation would mainly face towards the electricity sub station located on the corner of Bective Road and Ruskin Road. The sense of spaciousness in this area, which also includes the open parking area to the rear of shops on Harborough Road, would ensure that the taller part of the building would not be overly dominant in the street scene. The highest part of the building would be seen from Harborough Road. However, the overall height would be acceptable as it would be seen mainly behind the backdrop of commercial properties on this road, set back by some distance. I therefore consider the proposal would not be overly dominant in this part of the street scene.
11. The scale and proportions of the parts of the scheme opposite the terraced housing along Yelvertoft Road and Bective Road would be similar to those houses. I accept that the building would be in a single block which would be longer than the terraces along this part of Bective Road and Yelvertoft Road. Nevertheless, longer terraces can be found in the area. I find that that the appeal proposal would satisfactorily reflect the strong characteristic of terraced housing in the surroundings.
12. The use of brick and stone columns and areas of render would provide a vertical element to the building. This would be representative of similar features found in the locality. The stepped parts of the roof would reflect the design of the party walls on the roofs of the terraces opposite. The design of the areas of glazing and the inclusion of cills and lintels would add horizontal features which would be reflective of the terraced houses opposite. The shape of the windows, being fairly narrow and at regular intervals would also be similar in design to those found on the terraced houses. The doorways incorporated into the scheme would be limited and only serve as fire exits. However, their inclusion within the scheme would be sufficiently different to the previous appeal scheme and they would be seen in the context of openings within the terraced housing opposite.
13. I accept that the depth of the building would be greater than the terraces and other residential properties. However, this would only be noticeable from Harborough Road and the higher ground. In any event, this effect would be broken up by the detailed roof design and internal courtyard areas. This combination of factors and detailed design would serve to break up the mass and scale of the scheme, even when seen from opposite the appeal site and the higher parts of Bective Road and Yelvertoft Road.
14. I accept that some of the design features would use modern materials including zinc. However, the incorporation of materials including red brick and render as well as the use of some stone would be acceptable given the context of the materials found in surrounding area. The design would include all of these features at fairly regular intervals. The colour of the roof would be similar to

that found on the terraced housing opposite and would be seen from the higher parts of the roads. This would help to integrate the scheme into the wider surroundings. The use of glazing in the area is found in the nearby shops and community buildings and would be acceptable in this context. Overall, I find that the scheme would result in an appropriate balance of detailed design features and materials. I therefore consider that the scheme would not be harmful to the attractive qualities of the terraced houses on Bective Road and Yelvertoft Road.

15. Enterprise House is a Grade II listed building on Bective Road located to the east of the appeal site. The majority of this building was built in 1902 and is a former boot and shoe factory. It has attractive detailing and interesting features such as the fenestration and a saw tooth roof. Although the site is within the ownership of the appellant it does not form part of the proposal. Nevertheless, the appeal site is part of the wider setting of the listed building. The Council does not object to the proposed development in respect of the setting of the listed building. The northeast elevation of the proposed development would be positioned slightly away from Enterprise House with a sufficient gap to retain the separate identity of the listed building. It would be similar in height to the two storey housing adjacent to Enterprise House to the east. I therefore consider that the proposal would preserve the setting of Enterprise House.
16. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of the area, in terms of height, scale, massing and design. It would not be in conflict with Policy S10 of the West Northamptonshire Joint Core Strategy (JCS) or with saved Policy E20 of the Northampton Local Plan (LP) 1997. These amongst other things seek new development which protects, conserves and enhances the natural and built environment and that the design should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

#### *Other Matters*

17. Residents are concerned that the proposal would increase the amount of parking within the local streets, potentially leading to double parking and cause harm to highway safety. The proposed development would have limited car parking spaces available for staff and disabled users in the first instance. These spaces would be made available at times when students would be moving in or vacating the premises. Should the spaces become available permanently, I note that students would be able to rent these.
18. The submitted UU includes a Student Accommodation Travel Plan that would include a series of wide ranging measures to encourage students to make good use of public transport. The implementation of the Travel Plan would be monitored on a regular basis. In addition, students would not be eligible for parking spaces at university and college campuses. I consider this would limit the number of students with a car. Taking account of the proposed measures, I therefore consider that the scheme would be acceptable in terms of its impact on parking and highway safety. Residents referred to another campus within the City where parking arrangements had been ignored. However, I have not been provided with the details of this or the reasons for the parking problems and I cannot be certain that it would be comparable to the scheme before me.

19. Local residents raise concerns that the proposed use would cause problems with noise and disturbance. Concerns were also raised over potential increases in crime in relation to the provision of student accommodation. To address these potential issues, the submitted UU includes a proposed Student Management Plan. This would put in place procedures to manage the building and student population.
20. The Management Plan would provide dedicated staff to liaise with local residents in the event of problems and students would be required to enter in to an accommodation agreement. This would relate to student responsibilities in respect of noise, the wider community and car parking. Students in breach of the agreement would be subject to sanctions which would include a notice to leave the accommodation. The accommodation would include a mix of ages of students including post graduate students which would help to add an element of moderation to student behaviour. I am satisfied that the proposed measures would significantly reduce the potential for noise, disturbance and crime.
21. I have considered the UU in the light of the statutory tests contained in Regulations 122 and 123 of the Community Infrastructure Levy Regulations (CIL) and the tests at paragraph 204 of the National Planning Policy Framework (the Framework). As well as the measures relating to the Travel Plan and the management of students, the UU includes other provisions. A Construction Training Scheme and Construction Training Scheme contribution would ensure that the construction of the proposed development would enable training and skills development for new construction workers.
22. In respect of highway safety, the UU would make provision for two bus shelters, including longer term maintenance at bus stops close by. These would be new facilities and I have not been provided with evidence to indicate this would be affected by the pooling restrictions in Regulation 123. Highways improvement and travel mitigation contributions would relate specifically to implementation of the Travel Plan and access to the proposed development, including altering parking restrictions in Bective Road. I conclude that the UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. I have taking it into account in coming to my decision.
23. The Council does not object to the proposal in terms of the effect of the scheme on the privacy of nearby residents. The accommodation would face towards the windows of properties on the opposite side of Bective Road and Yelvertoft Road. Nevertheless, given the separation distance between the proposed development and that mutual overlooking is common in densely developed areas such as this, I consider the proposal would not lead to a significant loss of privacy for nearby residents.

*Other considerations*

24. I have been referred to new student accommodation built in the City and interested parties suggest that there is enough of this type within the City. Nevertheless, the main parties agree that there is still a need for additional student accommodation within the area. In addition, the Council indicates that it cannot demonstrate a five year supply of housing land. The proposal would be likely to free up some family accommodation currently occupied by students and this would add to the supply of general market housing. The proposal

would bring a vacant site back into use. These factors would be benefits which weigh significantly in favour of the appeal proposal.

### **Conditions**

25. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty. The Council suggested conditions which would be before commencement of development and before occupation of the development. I have amended the order of the conditions to reflect this. In the interests of protecting the character and appearance of the area conditions are needed for external facing materials, the shutter entrance to the car park, hard landscaping and existing and finished ground and finished floor levels.
26. Conditions are necessary in the interests of highway safety, in relation to the existing vehicular crossovers, vehicular access from Bective Road and cycle parking. In relation to sustainable development conditions are needed for a surface water drainage scheme including ownership and maintenance. In order to protect the living conditions of adjoining residents and future occupiers, conditions are necessary in respect of external lighting, the control of noise, storage of refuse and recycling and a Construction and Environmental Management Plan.
27. In respect of other conditions, the Council suggested conditions for the implementation of the car parking and in respect of a Travel Survey and Travel Plan revisions and monitoring, I agree these would be needed in the interests of highway safety. Conditions for a Residents Management Plan and opening and delivery hours for the retail unit are needed to protect the living conditions of adjoining occupiers. I have also imposed conditions in respect of the development being used only for student accommodation (with associated café and retail unit), the maximum number of students and maximum floorspace of the retail unit. In the interests of sustainable development conditions are needed in relation to the works on the surface water management strategy being carried out before any hard-standing areas are constructed and in relation to contamination.

### **Conclusion**

28. The proposed scheme would provide jobs and much needed student accommodation in the area. The appeal site is located within an accessible area. These factors weigh in favour of the appeal proposal. I have considered all other matters raised. However, I have found nothing to alter my conclusion that the scheme would not cause harm to the character and appearance of the area and that the appeal should be allowed.

*L Gibbons*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT

Mr S Stringer	Pelican Real Estate
Mr J Maurici	Queens Counsel
Mr D Chadwick	David Lock Associates
Mr Whittaker	J J Architects

### FOR THE LOCAL PLANNING AUTHORITY

Mr B Clarke	Northampton Borough Council
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### INTERESTED PERSONS

Mr I Hunt

Mrs P Master

Mrs I Moss

### DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Appellant's Attendance List
- 2 Hearing and Planning Application Notification Letters
- 3 Extract from the Council's Self Assessment of the Central Area Action Plan
- 4 Local Plans and the National Planning Policy Framework Compatibility Checklist for the saved Policies of the Northampton Local Plan, May 2014
- 5 Information and extracts from websites on crime rates and students supplied by Mr Hunt
- 6 Copy of Closing Statement on behalf of the appellant
- 7 Signed Unilateral Undertaking dated 27 April 2016

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1401- 50 Rev A; 1401- 51 Rev A; 1401- 52 Rev A; 1401- 53 Rev A; 1401- 54 Rev A; 1401- 55 Rev A; 1401- 56; 1401- 57; 1401- 58 Rev A; 1401- 60 Rev A; 1401- 61 Rev A; 1401- 62 Rev A; 1401- 65 Rev A and 1401- 67 Rev A.
- 3) No development shall take place until details and/or samples of all proposed external facing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the proposed entrance shutter to the car park has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, fully implemented prior to the first occupation of the development hereby permitted and retained/maintained thereafter.
- 5) No development shall take place until a detailed scheme of hard landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 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.
- 7) Notwithstanding the details submitted, prior to the commencement of development, full details of the reinstatement of the vehicular crossovers to pavements shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development provided and retained thereafter.
- 8) Full details of facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted and provided prior to the development being first brought into use and retained thereafter.
- 9) Notwithstanding the details submitted, full details of the proposed vehicular access from Bective Road including details of any alterations to on street parking controls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development and retained thereafter.
- 10) No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of



the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be fully implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.

- 11) No development 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 has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed maintenance plan and retained thereafter.
- 12) Notwithstanding the details provided, no development shall take place until full details of the external lighting have been 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.
- 13) No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.
- 14) No development shall take place until details of the provision for the storage of refuse and materials for recycling have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development hereby permitted and thereafter retained.
- 15) Prior to the commencement of the development hereby permitted, a Construction and 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) Location and 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.

- 16) The car parking as shown on Drawing 1401-50 Revision A shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.
- 17) Within three months from the first occupation of the development hereby permitted, a Travel Plan Survey detailing progress in the implementation of the submitted Travel Plan (reference: version 5 dated July 2015) shall be submitted to and approved in writing by the Local Planning Authority.
- 18) Within six months from the first occupation of the development, a revised Travel Plan that takes into account the findings of the Travel Plan Survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Travel Plan monitoring reports shall be submitted to and approved in writing by the Local Planning Authority on an annual basis for a period of five years from the first occupation of the development.
- 19) Prior to the occupation of the development hereby approved, a Residents Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which includes measures to reduce noise and general disturbance. The Residents Management Plan shall be implemented in accordance with the approved details and retained at all times.
- 20) The retail unit hereby permitted shall only be open to customers between the hours of 07:30 and 22:00.
- 21) Deliveries to the retail unit shall only be made during the hours of 07:30 and 20:00.
- 22) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order with or without modifications), the development hereby permitted shall be used only as student accommodation with an associated café and retail unit (Sui generis use) and for no other purpose.
- 23) The development hereby permitted shall be occupied by a maximum of 331 students.
- 24) The floorspace of the retail unit used for the display and sale of products shall not exceed 221 square metres.
- 25) No hardstanding areas shall be constructed until work specified within the submitted surface water management strategy have been carried out in full.
- 26) 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 and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme if verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.