



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 1<sup>st</sup> May 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/0140:** Erection of 35 one bedroom and 15 two bedroom living apartments for the elderly (Category II type accommodation), communal facilities, landscaping and car parking (resubmission of application N/2011/0839) Former Westonia Garage Site, 582-592 Wellingborough Road, Northampton

**WARD:** Park

**APPLICANT:** McCarthy and Stone Retirement Lifestyle Ltd  
**AGENT:** Miss L. Matthewson; The Planning Bureau Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Major application

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 REFUSAL** for the following reason:

The proposed development fails to provide adequate provision of affordable housing and public open space facilities in order to provide sufficient infrastructure and mitigation to meet the needs of the development. As a result of this, the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy H32 of the Northampton Local Plan.

**2. THE PROPOSAL**

**2.1** The applicant seeks planning permission to erect a building of two and three storeys in height, to accommodate 35 one bedroom dwellings and 15 two bedroom dwellings, which would fall within Class C3 as

defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). The development would also include the provision of private amenity areas and 21 car parking spaces.

- 2.2 This application represents a resubmission of a previously refused scheme (N/2011/839). The sole difference between the application currently under consideration and the previously refused scheme is that a different viability appraisal has been submitted in respect of any Section 106 Agreement.

### **3. SITE DESCRIPTION**

- 3.1 The application site was previously in use as a garage use, which has not ceased and the associated building demolished. Planning permission was granted in June 2011 for the erection of a foodstore on part of the site former garage site, which is now operational. The remainder of the site remains undeveloped and forms for the current application site.
- 3.2 The site is situated adjacent to Wellingborough Road, which serves as one of the main routes into the town centre. The site is close to a small local centre located to the west beyond the recently developed foodstore. The majority of the surrounding buildings are in use for residential purposes.
- 3.3 Vehicular access to the site is via a spur in the access road that serves the recently constructed supermarket.

### **4. PLANNING HISTORY**

- 4.1 N/2011/0295 - Proposed new foodstore (use Class A1) with associated car parking and landscaping (Revised scheme of Planning Permission 09/0096/FULWNN) – Approved.  
N/2011/0839 – Erection of 35 one bedroom and 15 two bedroom living apartments for the elderly (Category II type accommodation), communal facilities, landscaping and car parking – Refused
- 4.2 The 2011 application was refused at the Council's Planning Committee at its meeting on 10 January 2012 meeting on the grounds that the proposal did not include any affordable housing or public open space. Although a viability appraisal was submitted, which claimed that such payments in full would render the scheme unviable, the methodology employed was not convincing and as a result of this, could not be supported. The refusal reasons reads:

*“The proposed development fails to provide adequate provision of affordable housing and public open space facilities in order to provide sufficient infrastructure and mitigation to meet the needs of the development. As a result of this, the proposal fails to comply with the requirements of PPS1, PPG17 and PPS3 and Policy H32 of the Northampton Local Plan.”*

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies:**

National Planning Policy Framework

### **5.3 Northampton Borough Local Plan**

E11 – Trees and hedgerows

E19 – Implementing Development

E20 – New Development

E40 – Crime and anti-social behaviour

H6 – Housing Development within Primarily Residential Areas

H32 – Affordable Housing

### **5.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG

Planning out Crime in Northamptonshire SPG

Affordable Housing SPD

## **6. CONSULTATIONS / REPRESENTATIONS**

**6.1 Housing Strategy (NBC)** – In line with current policy 35% affordable housing provision would be required. Although there is a need for elderly accommodation within the town that caters for varying degrees of physical and mental need. It is necessary to consider the costs of providing for this and the need to ensure that such accommodation is sustainable in the long term for those residents that rely on such a scheme. It is recommended that the Council seek an off-site contribution from the applicant in lieu of the affordable housing provision, which would have been required on site.

**6.2 Environmental Health (NBC)** – The comments from the previous application are still relevant and as such conditions covering an assessment of transport noise and unexpected contamination.

**6.3 Highways (NCC)** – There are concerns regarding the level of car parking within the proposal. It is considered that manoeuvring spaces should be increased and clarification over surface treatments is sought.

**6.4 Waste Planning Authority (NCC)** – Would recommend that a condition be attached to any approval regarding the submission of a waste management strategy.

- 6.5 **Development Management (NCC)** – Requesting Section 106 Agreement payments for the Fire and Rescue Service and fire hydrants.

## 7. APPRAISAL

### *Principle of the Development*

- 7.1 The principle of redeveloping this site for residential purposes was considered at the January meeting of the Planning Committee and deemed broadly acceptable. Although a relatively short period of time has elapsed since the previous consideration, there has been a change to the relevant material considerations, given the publication of the National Planning Policy Framework. However, this document continues to support the reuse of previously developed sites and the bringing back into use of vacant commercial units.
- 7.2 The developer has submitted an air quality and land contamination assessments, which indicate that the proposed development would not have an undue detrimental impact upon residential amenity in line with the requirements of the National Planning Policy Framework.

### *Design and Appearance*

- 7.3 The design and layout of the proposed development is unchanged from the previously considered application and as a result of this, it is considered that the design of the proposal remains acceptable on the grounds of there being an unchanged local planning policy context. Furthermore, the recently published National Planning Policy Framework emphasises the importance of good design in terms of creating strong and distinct places. The proposed building, although of large proportions, reflects the prevailing vernacular within this part of Wellingborough Road.
- 7.4 Whilst there are some concerns regarding the palette of materials specified within the application and their suitability for the area in which the development is to be situated, it is considered that should the application be approved, this could be addressed via a condition in order to ensure that the materials used are in line with the objectives of Local Plan Policy E20 in this regard.
- 7.5 The use of the landscaping is considered to be satisfactory and provides a development that it is in keeping with the prevailing character as landscaping is a common feature on adjacent sites. This landscaping also reduces the impacts upon the neighbouring properties.

### *Impact upon Neighbouring Properties*

- 7.6 There been no significant changes to the relationship between the application site and the surrounding buildings, nor have there been any

changes to the surrounding land uses compared to when the previous application was considered and determined. As a result of this, the proposed development is unlikely to create any substantially different impacts on neighbour amenity to that considered within the previous proposal. For these reasons, it is still considered that the proposal is compliant with the requirements of Local Plan Policies E20 and H7.

### ***Highways considerations***

- 7.7 In terms of layout, the scheme is unchanged from the previously considered scheme (e.g. for instance there have been no amendments to the parking provision and access to the site), which includes the provision of 23 car parking spaces. The position of the County Council as Highway Authority is unchanged from the previous consideration in that it queries whether there is sufficient car parking. However, the Supplementary Planning Guidance on car parking requires a *maximum* of 1.5 spaces rather than a minimum. Although the proposed parking provision is significantly less than the 75 space maximum figure, it is considered that it is acceptable given the type of development proposed and bearing in mind that the developer has substantial experience of this type of development and is likely to have a well-developed understanding of the needs of its occupiers. Furthermore, the site is reasonably sustainably located given its proximity to local services and availability to public transport.
- 7.8 Vehicular access to the site from Wellingborough Road is via the same access road that serves the adjacent supermarket and was designed with the potential residential re-development of this site in mind. It is considered that the intensification of the use of the junction that would result from the proposed development would not have an adverse impact upon highway safety. Should the application be approved, it would be possible to place a condition on any approval requiring details of surface treatment to be agreed
- 7.9 It is also important to note that the Council raised no objection on highway grounds to the previously refused scheme.

### ***Planning obligations***

- 7.10 The key tests in determining the justification for planning obligations are laid out in the NPPF (paragraphs 203 – 205), which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 7.11 By reason of the type of development proposed (i.e. a residential development in excess of 15 units of accommodation), it would normally be expected that affordable housing would be provided as

well as improved public open space facilities within the vicinity to be secured by S106 Legal Agreement. During the consideration of the previous application, it was determined that these requests were necessary and reasonable, following reference to the relevant policies of the Northampton Local Plan, the Affordable Housing Supplementary Planning Document and the 2009 Open Space, Sports and Recreation Needs Assessment and Audit.

- 7.12 The National Planning Policy Framework reiterates the importance placed upon affordable housing that is contained within its predecessor documents, whilst identifying the importance of access of public open space. In particular, the value of open space in promoting health and well being is emphasised. For the foregoing reasons, it is considered that there remains a strong planning policy basis for making these requests.
- 7.13 As reported to Planning Committee when it considered the previous application, in the case of affordable housing, it would normally be expected that this would be provided on-site; however, in exceptional circumstances, it is possible that a financial payment be made in order to fund off-site provision. By reason of the nature of the proposed accommodation / use (i.e. for elderly residents) and bearing in mind the ongoing service and maintenance costs would be likely to be prohibitively expensive and would not be sustainable in the longer term for affordable housing. For these reasons, in the circumstances of the case, a financial payment for off-site provision is considered appropriate in principle. In reaching a suggested figure, reference has been made to comparable past decision with indexation where appropriate.
- 7.14 As noted when the previous application was reported to Planning Committee, the site contains a reasonable level of private amenity space; however, this is unlikely to meet all of the requirements for the future occupiers of the development. The Council's 2009 Open Space, Sports and Recreation Needs Assessment and Audit provides a qualitative and quantitative assessment of the current provision of open space within Northampton. There identifies a shortfall of facilities in this area of the Borough.
- 7.15 By reason of the likely increase in residents as a result of the proposed development (given the number and size of units proposed there would be at least 50 residents), it is considered that a payment towards the provision of open space facilities is justified in terms of national planning policy. Therefore due to the scale of the development and its proximity to existing areas of open space, a payment towards enhancing existing facilities is considered appropriate and necessary.
- 7.16 As with the previous application, the applicant has submitted a viability appraisal in support of their assertion that the Council's requested payments would render the scheme unviable. The submissions also

identify a sum of money (which is lower than the previous application) that is available for Section 106 Agreement obligations.

7.17 This appraisal has been independently assessed and concerns remain regarding the methodology used. In particular, there are concerns regarding the valuation of the land, which appears to be high given the prevailing economic context and location of the development site. Clarification has been sought from the applicant details of any sites that have been used as comparables to establish the site value. In response to this, details of a site in Great Billing (with extant consent for five dwellings) have been submitted. However, it is considered that this is not sufficient to support the findings in the viability appraisal because it may not, alone, be representative of the local land / housing market. This narrow approach could therefore unduly and unacceptably influence the level of Section 106 Agreement payments. Furthermore, at the time of preparing the Committee report, the sale of cited land had not been completed and as such the actual value is unconfirmed.

7.18 Furthermore, the submitted valuation of the site is still based on a scheme for 14 residential dwellings, which is of significant variance to the development proposed in this application. Moreover, information regarding the marketing of the application site has been requested but not been submitted. Although it is accepted that the build costs for a home for elderly residents may be higher than the costs associated with a conventional scheme for flats; the applicant has not submitted details of this percentage difference. Therefore, it has not been possible to verify the build costs submitted as part of the viability appraisal

7.19 For the preceding reasons, it is considered that the submitted viability appraisal cannot be supported.

## **8. CONCLUSION**

8.1 It is accepted that the proposed development is of an acceptable design and would have a neutral impact on residential amenity. However, on account of it not having proved possible to agree a figure for the provision of affordable housing and open space, it is considered that the proposed development would fail to secure adequate mitigation in the form of affordable housing and open space facilities that are fairly and reasonably related in scale to the development to comply with the requirements of national and local planning policies. Therefore, the proposal fails to provide an adequate level of affordable housing and open space facilities as required by the National Planning Policy Framework and Local Plan Policy H32.

## **9. BACKGROUND PAPERS**

9.1 N/2011/0839 and N/2012/0140.

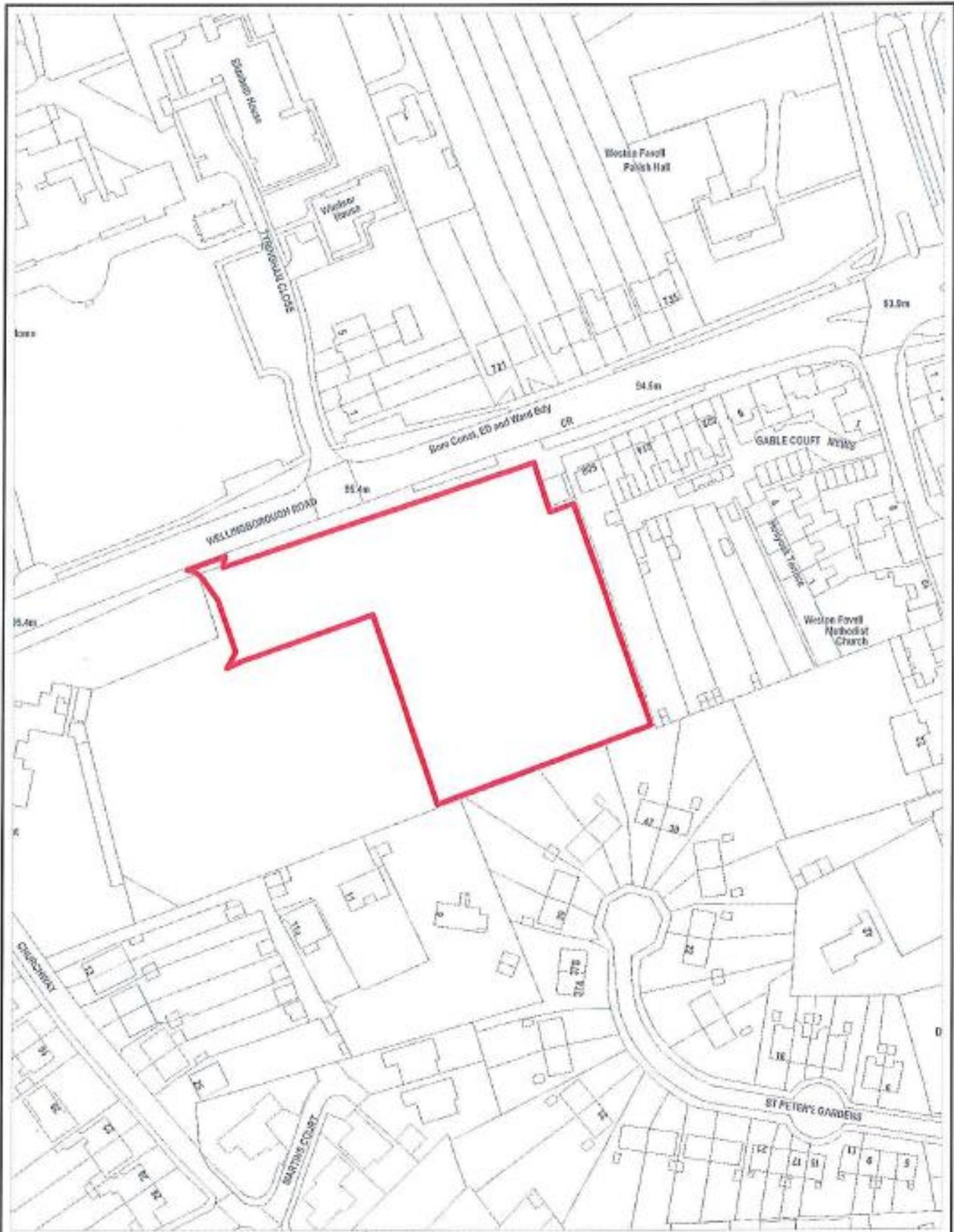
## 10. LEGAL IMPLICATIONS

10.1 None.

## 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.

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| <b>Position:</b>                           | <b>Name/Signature:</b> | <b>Date:</b> |
| <b>Author:</b>                             | Ben Clarke             | 16/04/12     |
| <b>Development Control Manager Agreed:</b> | Gareth Jones           | 19/04/12     |



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|  <p><b>NORTHAMPTON</b><br/>BOROUGH COUNCIL</p> | <p>Sheet: SW<br/>         Date: 20th April 2012<br/>         Scale: 1:1250<br/>         Use: Planning<br/>         Project: Site Location Plan</p> | <p>Title</p> <p><b>582-592 Wellingborough Road</b></p> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright<br/>         Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License number: 100010655</p> |
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