

Addendum to Agenda Items Tuesday 04th September 2012

2. MINUTES

MINUTE ITEM 10(C)

Correction to printed Minute pages 6-7 revised second and third paragraphs (revised text in bold):

Mr Lewis, a neighbour, stated that he was offended by the proposal and that there had been no dialogue with the applicant except through Solicitors letters; he had not been able to determine exactly where the gates would be. It appeared that the gates would be attached to his property and he noted that the ownership of the strip of land alongside his house was disputed; he had not seen any conclusive proof that the applicant owned it. He had proposed a joint approach to ascertain ownership but had not had a response to this. He believed that the proposal was not to do with security but was more to do with enhancing the value of the three properties. He believed that the land ownership issue was pivotal to the application. In answer to questions, Mr Lewis confirmed that **although he had a rear access the applicant had withdrawn his permission for Mr Lewis to use it.**

Mr Stockdale, the applicant, commented that his application met the formal planning requirements and that he had taken on board all the objections received. He noted that the neighbours at number 20 Ravenscroft were in support of the proposal. The positioning of the gates satisfied the Highway Authority; they would open automatically and quietly. He had **not** tried to place any restrictions on Mr Lewis using his rear access. In answer to questions Mr Stockdale commented that the gate posts would be free standing, in the drive itself and that the proposal was also about a perception of security.

5. MATTERS OF URGENCY

N/2011/0241: Erection of 52no. dwelling houses and associated parking and open space. (As amended by revised plans received 9th December 2011), Land at Millway Primary School, Millway, Duston

Report regarding S106 Agreement appended.

7. OTHER REPORTS

ITEM 7A

N/2011/1160

Delegated authority for the Head of Planning regarding Planning Conditions in respect of: Demolition of Garden Centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve Garden Centre; re-configuration of service area and new service vehicle road and alterations to vehicle access from Newport Pagnell Road. Additional works to parking, landscaping and lighting (as amended by revised plans received 16th January 2012) at Northampton Garden Centre, Newport Pagnell Road.

A letter has been received from the applicant requesting longer periods of opening. Opening hours of 7.00-11pm on Mondays to Saturdays and 10am-6pm on Sundays. It is contended that the hours contained within July's Committee report were not necessary and therefore contrary to the requirements of Circular 11/95 (which, amongst other tests, requires that conditions be 'necessary') and that the submitted noise assessment demonstrates that the store operating during these longer times would be not be detrimental to amenity.

Officers Response:

It is necessary that a condition is used in relation to opening hours in order to ensure that there is no undue detrimental impact upon the amenities of the surrounding residential properties. The hours that were listed upon July's Committee Report were taken from the application form (as submitted on behalf of the applicant) and therefore were the subject of consultations with, amongst others, local residents and the Council Environmental Health Service and therefore these hours are the basis on which representations have been made. As a result of this, it is considered that any prospective increase in opening hours should be subject to formal consultation and as a result of this an application pursuant to Section 73 of the Planning Act is the correct mechanism for considering revised opening times.

Representations have been received from **Wootton and East Hunsbury Parish Council** requesting the members give consideration to the creation of a Traffic Regulation Order (TRO) within Newport Pagnell Road to reduce the speed limit from 40mph to 30mph.

Officers Response:

There have been no requests from the Highway Authority to reduce the speed limit within this section of Newport Pagnell Road. As a result of this, it is considered that the proposed development would not be detrimental to highway safety. Furthermore, the very limited time that has elapsed since the consideration of the application at July's Committee meeting and now means that there has been no material change in circumstances to warrant the stipulation of this amendment.

ITEM 7B

N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 and N/2011/1268

Supplement to Committee resolutions of 26th June 2012 to allow additional time to conclude the negotiation of planning obligations for the applications to extend time limit for implementation of Outline Permission for residential developments at Former Abington Vale, Emmanuel Church, Blackthorn, St Mary's and Goldings Middle Schools and Millway Primary schools.

Nothing to add

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

ITEM 9A

N/2012/0623

Change of use of walled garden to use for wedding receptions and other functions, together with the erection of marquees at Delapre Abbey London Road.

Nothing to add

10. ITEMS FOR DETERMINATION

ITEM 10A

N/2012/0606

Change of use of part of dwelling to dental surgery at 41 Station Road

A petition has been received with 41 signatories objecting to the application for the following reasons:

- Consider the application at the gateway to the village would affect and destroy ambience and image of village
- Concerns about parking on highway close to busy junction
- If permission is granted concerned about future uses and impact on traffic, both pedestrian and vehicular
- Community has no confidence in quality of application, appearance of property and behaviour of occupants over the last two years

ITEM 10B

N/2012/0608

Additional use of the lift tower for abseiling at The National Lift Tower, Tower Square

Additional objections have been received from numbers 10 the Approach and 52 Nearside on the following grounds:-

- Concern that the application is not solely used for charitable purposes but for commercial reasons
- Concerned about the lack of experience of officers on the site which have taken precedence over local residents who know the area better
- Would request that conditions be applied to reduce the negative effect on residents amenity not allowing onlookers to come within 5 metres of any private dwelling and prohibit use of mobile catering units
- Concern that private parking spaces are being used by attendees of abseiling
- Spectators are very noisy with shouting and cheering outside residential properties
- Object as the refuse provision is not sufficient
- Increase in smells from catering van and noise from generators
- Concern that number of events will increase in time.

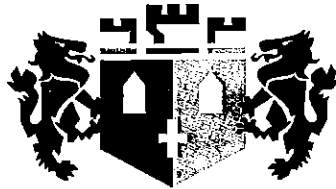
ITEM 10C

N/2012/0637

Two storey side / rear extension at 32 Rosemoor Drive

Nothing to add

<p>ITEM 10D N/2012/0690 Application for a non-material amendment to Planning Permission N/2011/1070 for the erection of 17 new dwellings, to re-position parking at plot 13, changes to access of plots 15 & 16, changes to site entrance road, layout changes to 3bed/5persons and 2bed/4persons dwellings, revised window sizes, changes to finished floor levels and re-location of photo voltaic panels at Site of former Robinson House, 11 Burrows Court</p>
<p>Nothing to add</p>
<p>ITEM 10E N/2012/0752 Change of use from Info Centre / Crèche (Use Class D1) to Retail (Use Class A1) at 134 St James Road</p>
<p>Nothing to add</p>
<p style="text-align: center;">11. ENFORCEMENT MATTERS</p>
<p>None</p>
<p style="text-align: center;">12. ITEMS FOR CONSULTATION</p>
<p>None</p>



**NORTHAMPTON
BOROUGH COUNCIL**

Item No.
[Item number and title as
on agenda]

PLANNING COMMITTEE: 4 September 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/0241: Erection of 52no. dwelling houses and associated parking and open space. (As amended by revised plans received 9th December 2011), Land at Millway Primary School, Millway, Duston

WARD: Old Duston

APPLICANT: Westleigh New Homes
AGENT: JS & P Architecture

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: No

ITEM FOR CONSIDERATION:

1. RECOMMENDATION

1.1 That notwithstanding the decision of the Planning Committee at its meeting on February 7th 2012, the heads of terms of the Section 106 agreement be amended to be as follows –

- The provision of 12 units of affordable housing
- The provision of 11 units on a shared equity basis with the Council or a social housing partner of its choice retaining a percentage of the equity
- 10% of the total units on the site to be mobility units.
- The provision, retention and maintenance of the open space.
- The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.

1.2 Therefore deleting the following from the heads of terms –

A financial contribution towards the Tollgate Way improvement scheme in order to mitigate the impacts of this development on the local highway network.

- 1.3 That the Head of Planning be given delegated powers to negotiate and determine the detailed provisions and wording of the Agreement in line with the Committee determination.

2. BACKGROUND AND APPRAISAL

- 2.1 Members will recall that this application was considered at the Planning Committee meeting in February 2012.
- 2.2 At this meeting the Committee resolved to approve the application subject to conditions and to the finalisation of a Section 106 Agreement, including an appropriate level of affordable housing, the exact level of which to be delegated to the Head of Planning to negotiate, subject to consideration of viability.
- 2.3 The application as submitted and as considered by Committee in February indicated affordable housing proposed at 23% of the total stock on the site. This is below the normal policy requirement of 35%. A viability assessment was produced and submitted by the applicant.
- 2.4 In the course of assessing the viability of the scheme it became apparent that with all of the S106 Heads of Terms including 35% affordable housing, the scheme was not viable due to the amount the developer paid for the land. In reaching this conclusion regard was had to the original planning permission for the site for 80 units which was subject to a S106 Agreement of 35% of the units to be affordable. The landowner had recently sought to extend this consent, again with a 35% affordable provision.
- 2.5 The initial result of negotiations was an offer made by the applicants to add three more units to the original proposal which would be three shared ownership units, with the applicants funding 20% of the cost of these.
- 2.6 It is considered that accepting an offer on this basis would not be in line with the Council's established affordable housing policy and is a considerable reduction on the percentage obtained in the previous consent for the site, the requirement for which is well known by the landowner and the purchaser at the time of sale.
- 2.7 Therefore, in order to find a way forward, other contributions to be made under the S106 Agreement have been reviewed in detail. Amongst these was a request from the County Council, as Highway Authority, for £150,000 as a financial contribution to the Tollgate Way Improvement Scheme. However, the status of this scheme is questioned as there is no reference to this being a committed scheme or any evidence that it is planned for delivery, or can be fully funded, within a reasonable period of time. The scheme is not referenced in either the Northampton Transport Infrastructure Strategy or the Draft Northampton Town Transport Strategy, nor is it contained within the Joint Core Strategy Infrastructure Delivery Plan.
- 2.8 The £150,000, if diverted to providing more affordable housing would result in a significant improvement to the offer, resulting in an additional 11 units of accommodation being included in the Section 106 Agreement to provide these additional units, on a shared equity basis, with 20% of the equity to be retained by either the Borough Council or a social housing partner of its choice to reuse for the provision of additional affordable housing elsewhere in the Borough.
- 2.9 This will bring the level of affordable housing on the site to 12 units at affordable

rents plus 11 units on a shared equity basis. It is considered, on balance, that this represents a better use of available funding than the contribution towards a highway scheme, which is not currently in a programme. The developer will still need to provide for the necessary highway works directly required by the development, incorporating the additional spur off the roundabout to enable the development to be accessed in a satisfactory manner.

2.10 The County Council as Highway Authority has objected to the proposal to remove the highway works payment from the Section 106 agreement on the basis that this payment is necessary to mitigate the impact of the development. However, as set out above, it is considered that the improvements are unlikely to be delivered within a reasonable time period such that they could reasonably be seen to directly mitigate the impact of the development on the highway network.

2.11 It must also be borne in mind that this site was previously in the ownership of the County Council, and that it is the price paid for it by the applicant to the County Council that has (at least in part) affected viability as described above. Any additional value paid over and above the market value could therefore be applied for any purpose, which the County consider appropriate including highway improvements.

3. CONCLUSION

3.1 It is considered that given the concerns over the viability of this development, that the available contributions should be applied so as to prioritise affordable housing, which is considered to be a more pressing need than highway improvements, which could if necessary, be funded from the County Council's receipts for this site. Therefore, in view of the priority need for more affordable homes within the Borough, the Committee is recommended to revise the heads of terms of the Section 106 agreement to improve the affordable housing offer on the site and delete the requirement for a financial contribution to this road scheme.

4. LEGAL IMPLICATIONS:

4.1 None.

5. BACKGROUND PAPERS

5.1 Application file N/2011/0241.

6. SUMMARY AND LINKS TO CORPORATE PLAN

6.1 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.

