



PLANNING COMMITTEE: 17th February 2015

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Assessment of viability of in respect of Planning Application N/2014/0629 and amendments to conditions – Erection of 54 dwellings and a new foodstore including access and parking at former Grose Garage site, Kingsthorpe Road

1. RECOMMENDATION

1.1 That the Committee **AGREE** to vary the Section 106 Heads of Terms to reduce the level of affordable housing provision to 26% and to agree to the revised schedule of conditions.

2. BACKGROUND

2.1 The application for full planning permission was reported to Committee on the 30th September 2014, where members resolved to approve the application subject to the prior completion of a Section 106 Legal Agreement that would secure 35% of the development for use as affordable housing, in addition to financial payments towards the provision of off-site open space provision; primary school provision; secondary school provision; health care; highway improvements; the maintenance of new bus shelters; and construction worker training opportunities.

2.2 In addition to these matters, the Committee resolution agreed a schedule of conditions that would be applied to any approval of planning permission. A copy of these conditions is appended to this document for information.

2.3 In assessing matters relating to viability, the National Planning Policy Framework (NPPF) is of particular importance. In particular, paragraph 173 states that in order to ensure viability, the costs of any required

infrastructure; such as requirements for affordable housing, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 2.4 Weight should also be given to the Council's adopted Planning Obligations Supplementary Planning Document which states that in instances where the applicant has demonstrated that there is a valid case on development viability grounds, due consideration will be given to such cases in order to ascertain the best way to mitigate the impacts of a scheme without compromising its effective delivery.

3. APPRAISAL

Viability matters

- 3.1 The applicant has indicated that the provision of 35% (19 units) of the residential section the development would render the scheme unviable and therefore there are questions as to the deliverability of this section of the development. The reasons for this include high abnormal costs relating to the remediation of the site to make it habitable; the installation of sewers, addition roads and drainage; and the introduction of services necessary for residential accommodation. These figures when combined with the necessary mitigation that needs to be provided (such as education and health care) and the likely receipts arising from the sale of the market housing mean that the expected returns for the developer are substantially less than industry standards.
- 3.2 In order to support their position, the applicant has undertaken a full viability appraisal. The Council has engaged independent consultants to vigorously review this document. This independent assessment has concluded that the assessment made by the applicant is correct and as a consequence the development would be unviable, which therefore raises concerns that the current proposal would not be deliverable in its entirety, which would not be conducive to securing a good standard of development.
- 3.3 As a consequence of this, it is considered necessary and reasonable to reduce the level of affordable housing from the previously identified 35% to 26% (14 dwellings). Given that there is a significant need for new houses of both market and affordable tenures and the fact that this site makes a contribution to the required five year housing land supply that all local authorities should demonstrate and is not currently available within Northampton, it is therefore considered that the overall delivery of the development should not be compromised.
- 3.4 It should also be noted that the development would still provide the previously requested financial contributions towards the provision of primary and secondary school education; healthcare; the highways system; open space; and construction worker training opportunities. As

a consequence of this, the impacts of the development would be fully mitigated and sufficient infrastructure would be provided to support the residents of the development.

Conditions

3.5 The committee resolution included a schedule of 36 conditions that were agreed by the Committee. Whilst the majority of these conditions remain necessary and reasonable; discussions have taken place between the applicant, the Environment Agency and Officers that have established that Condition 4, which is set out below can be deleted.

3.6 *“No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the installation of underground tank(s). The scheme shall include the full structural details of the excavation, the tank(s), tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented prior to the first use of the development hereby permitted and retained thereafter.*

Reason: To protect controlled waters in accordance with the requirements of the National Planning Policy Framework.”

3.7 The reasoning for this deletion is that the scheme has been revised to avoid the installation of any underground storage tanks and as a consequence, such a condition is no longer required. The applicant has also additional submitted details of hard and soft landscaping relating to the retail development and land levels. These details have been assessed and are considered acceptable. As a consequence, conditions 7 and 15 can be amended to:

7. The development hereby permitted shall be carried out in accordance with the details contained on drawing 17192-5-100a.

Reason: In the interests of residential and visual amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

15. The hard and soft landscaping in respect of the retail development shall be carried out in accordance with the details included on drawings Y11A48-P003, Rev. B and 5458/ASP005

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.

4. CONCLUSION

4.1 It has been demonstrated that the development would not be viable if 35% of the development would be made available for affordable housing. As it is considered desirable to see this site come forward for residential accommodation, it is considered reasonable to amend the

level of affordable housing to 26%. The alterations to the proposed conditions are of a minor nature and do not affect the overall principle of the scheme.

5. BACKGROUND PAPERS

- 5.1 N/2014/0629 and Item 10(c) from the Committee Agenda from the meeting held on the 30th September 2014.

6. LEGAL IMPLICATIONS

- 6.1 None

7. SUMMARY AND LINKS TO CORPORATE PLAN

- 7.1 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.

Appendix – Schedule of previously considered conditions on 30th September 2014

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 attached schedule of approved plans.

Reason: For the avoidance of doubt and to ensure conformity with the Planning Application.

3. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

- (i) A preliminary risk assessment, which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources; and
 - pathways and receptors of potentially unacceptable risks arising from contamination at the site
- (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and detailed risk assessment to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set in the remediation strategy in (iii) are complete identifying any requirements of longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of securing a satisfactory standard of development by mitigating any contamination in accordance with the requirements of the National Planning Policy Framework.

4. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the

installation of underground tank(s). The scheme shall include the full structural details of the excavation, the tank(s), tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented prior to the first use of the development hereby permitted and retained thereafter.

Reason: To protect controlled waters in accordance with the requirements of the National Planning Policy Framework.

5. 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 a verification report must be prepared, which 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 the advice contained the National Planning Policy Framework.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination. This is to ensure accordance with the requirements of the National Planning Policy Framework.

7. 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 E20 of the Northampton Local Plan.

8. No development shall take place until further details of the site access to Kingsthorpe Road has been submitted to and approved in writing by the Local Planning Authority. The further details shall provide

particulars of the new pedestrian crossings, signalised junction; improvement works on Kingsthorpe Road, details of the bus stops and shelters, and details of any retaining structures. The development shall be carried out in accordance with the approved details in accordance with a programme of implementation that is subject to the written approval of the Local Planning Authority.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

9. Notwithstanding the details submitted, full details of the reinstatement of vehicular crossovers to footway shall be 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 development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

10. Notwithstanding the details submitted, full details of the surface treatments to the car park, access roads and pedestrian routes serving the retail unit 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 development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

11. Prior to the first occupation of the retail development hereby permitted, the following works shall be fully implemented:
 - Footway connections and vehicular access between the store and Kingsthorpe Road in accordance with drawing 17192/10001C; and
 - The car park circulating aisles, the car parking spaces and parking spaces for those with disabilities and parent and child priority.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the retail unit hereby permitted and retained for their designated use throughout the life of the development.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

12. Prior to the commencement of the development of the retail unit, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- The control of noise and dust during the development process;
 - Traffic management and signage during construction;
 - Enclosure of phase or sub-phase development sites;
 - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - The safe means of access of construction traffic to the site;
 - Routing agreement for construction traffic; and
 - Hours of operation of building works.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

13. Details and/or samples of all proposed external facing materials for the retail unit 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 E20 of the Northampton Local Plan.

14. Full details of the method of the treatment of the external boundaries of the retail unit shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the unit hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the retail unit and associated car park, manoeuvring spaces and access road. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

16. All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to Condition 15 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

17. Notwithstanding the details submitted, any external plant and equipment serving the retail unit shall meet L_{Aeq} of at least 6dB below the minimum background level ($L_{A90, 1 \text{ hour}}$).

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in the National Planning Policy Framework.

18. The acoustic noise barriers as shown on drawings 17192/1001c and 17192/100 shall be fully constructed prior to the first occupation of the retail unit hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise in accordance with the advice contained in the National Planning Policy Framework.

19. Notwithstanding the information submitted, full details of the proposed cycle storage to serve the retail unit 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 store hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policies E20 and E40.

20. Notwithstanding the details submitted, full details of CCTV covering the retail unit site 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 development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in line with the requirements of Policy E40 of the Northampton Local Plan.

21. Notwithstanding the details submitted, full details of the position and specification of the proposed external lighting (including hours of usage) for the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in 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 amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.

22. Prior to the first occupation of the retail unit hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

23. The retail unit hereby permitted shall only be open to customers between the hours of 8am and 10pm on any day on Mondays to Saturdays and 10am and 5pm on Sundays.

Reason: In the interests of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

24. Deliveries shall only be made to the retail unit hereby permitted between the hours of 6.30am and 10pm on any one day on Mondays to Saturdays and 8.30am and 5pm on Sundays.

Reason: In the interests of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

25. The net sales area of the retail store shall be limited to a maximum of 1,140 square metres. Of this floor space, no more than 912 square metres shall be used for the display and sale of convenience goods and no more than 228 square metres shall be used for the display and sale of comparison goods.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

26. The retail store hereby permitted shall not be sub-divided to form more than one retail unit.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

27. Prior to the commencement of the development of the residential units, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- The control of noise and dust during the development process;
 - Traffic management and signage during construction;
 - Enclosure of phase or sub-phase development sites;
 - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - The safe means of access of construction traffic to the site;
 - Routing agreement for construction traffic; and
 - Hours of operation of building works.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

28. Details and/or samples of all proposed external facing materials for the residential units 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 E20 of the Northampton Local Plan.

29. Full details of the method of the treatment of the external boundaries and individual plot boundaries of the residential development shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the development hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

30. Prior to the first occupation of the residential development hereby permitted, the following works shall be fully implemented:
- Footway connections and vehicular access between the store and Kingsthorpe Road and Studland Road in accordance with drawing 17192/10001C.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the residential development hereby permitted and retained for their designated use throughout the life of the development.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

31. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping, including surface treatments for roads, parking areas and driveways for the residential development. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

32. All planting, seeding or turfing comprised in the details of landscaping approved pursuant to Condition 31 shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the northern elevation of the proposed units on Plots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 as shown on drawing 17192/10001c.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional

windows shall be installed in the southern elevation of the proposed units on Plots 2 and 3 as shown on drawing 17192/10001c.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

35. Notwithstanding the details submitted, full details of the refuse storage of the flats (Plots 24 and 25 as shown on drawing 17192/10001c) 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 shall be fully implemented prior to the first occupation of Plots 24 and 25 and retained thereafter.

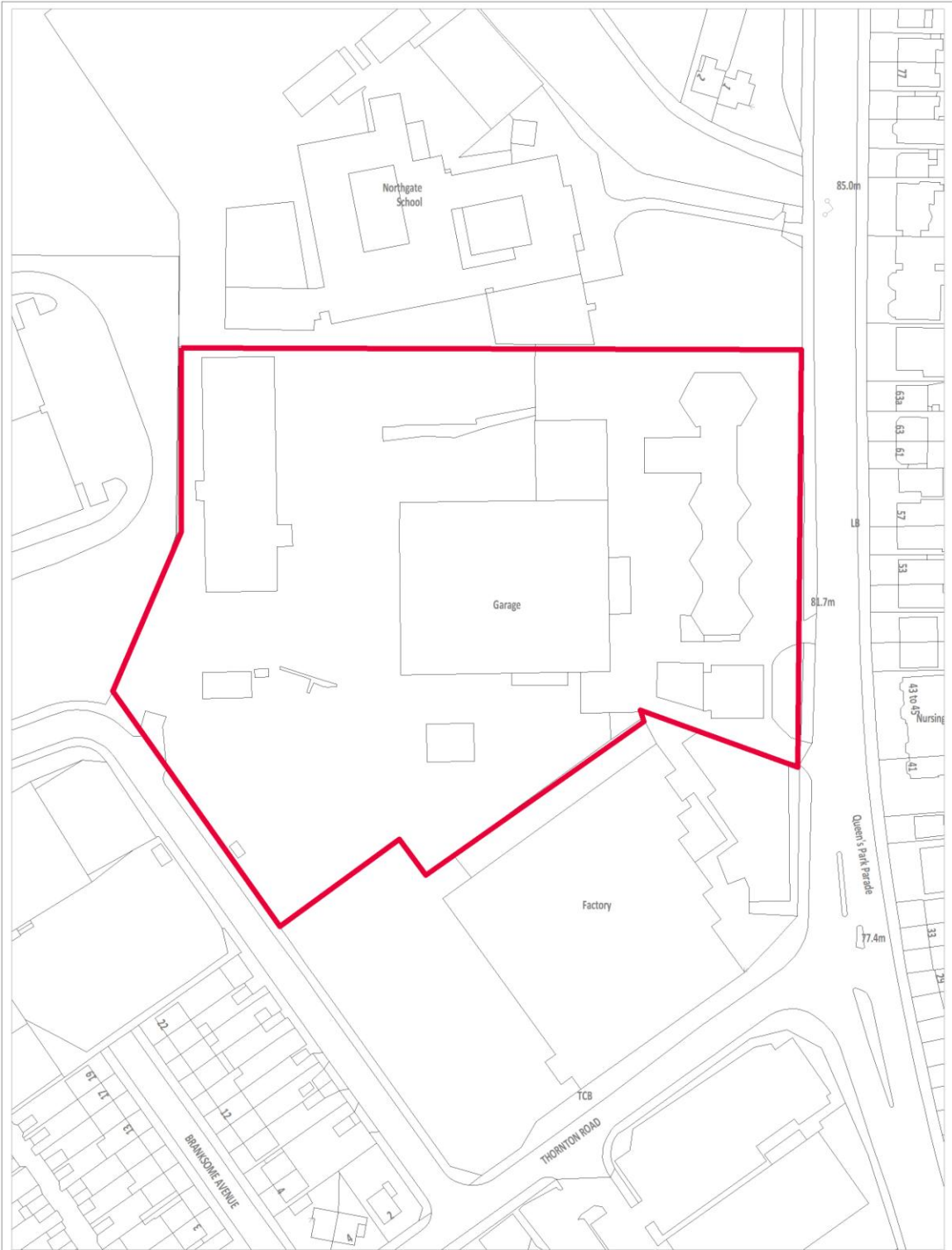
Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

36. Notwithstanding the details submitted, full details of the type of glazing and ventilation to Plots 42, 43, 44, 45, 46 and 47 (as shown on drawing 17192/10001c) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of the relevant dwellings and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Informative Notes:

- i. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods.
- ii. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services



Name: Location Plan
 Date: 15th September 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
W Grose Ltd, Kingsthorpe Road

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