



PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1163: Erection of 44 apartments with associated parking and landscaping at Victoria Business Park St James Park Road

WARD: St James

APPLICANT: Greenspace Solutions Ltd
AGENT: None

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major Development requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

a) The prior finalisation of a Section 106 agreement to secure appropriate contributions towards the following:

- Education;
- Healthcare;
- The provision of construction training; and
- The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

b) The conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the rationalisation and improvement of the area by removing a conflicting commercial use adjacent to residential dwellings. The development would contribute towards the Borough's 5 years housing land supply. The development would therefore be in accordance

with Policies E1, H2, S1, S4, S10 and INF1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning 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 proposal is for the demolition of all on site buildings and the erection of 44 apartments in two blocks, consisting of 18 one-bed and 25 two-bed apartments.
- 2.2 The proposed development would be three to five storeys in height, with the higher blocks set adjacent to the park and the lower blocks adjacent to and facing existing housing on St James Park Road. The buildings would be of a contemporary design.
- 2.3 A total of 43 car parking spaces will be provided with access to the site from St James Park Road. The development also included a refuse and cycle storage area.

3. SITE DESCRIPTION

- 3.1 The site at present is occupied by a mainly single storey large commercial building, extended over the years, which originally housed a bakery and more recently was in use as individual units for small businesses. The building has now been empty for several years and has fallen into disrepair.
- 3.2 The surrounding development is principally terraced houses of traditional design but also some more recent housing developments. Adjacent to the site is a large public park.

4. PLANNING HISTORY

- 4.1 An application was made in 2007 for the erection of 15 one-bed and 15 two-bed flats, and subsequently withdrawn.
- 4.2 In 2008 a further application was made, for the erection of 15 one-bed and 16 two-bed flats. This application was reported to the Planning Committee in April 2009 and was approved in principle subject to the completion of a Section 106 agreement, however this was never signed and the application was ultimately disposed of.

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013), and emerging Neighbourhood Development Plans where relevant.

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:

The NPPF states at paragraph 49 that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17).

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:

Policy S1 of the JCS states that new developments should be concentrated primarily in and adjoining the existing principal urban area of Northampton.

Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment.

Policy S10 sets out sustainable development principles and requires that new developments will achieve the highest standard of sustainable design.

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures.

Policy H2 sets out the requirements for affordable housing and requires that at least 35% of developments of 15 or more dwellings should be made available for this purpose.

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 policies are material to this application:

Policy E20 – Design - states that new buildings should be of an appropriate design.

Policy H6 - Housing development: within primarily residential area - Sets out the criteria against which residential development will be assessed, including the scale and density of development, being in keeping with the character of the area and compliance with highway standards.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received can be summarised as follows:

- 6.1 **Housing Strategy** – There is a policy requirement for affordable housing, a 35% policy compliant approach would need to provide 16 affordable dwellings. This could be a mixture of on-site provision and commuted sum. 10% mobility will be required - homes built to Lifetime Homes.
- 6.2 **NHS England** – Request a contribution to increase primary care capacity as a result of the development.
- 6.3 **Northamptonshire County Council** – Request contributions for Primary Education, Fire and Rescue, Libraries and Broadband.
- 6.4 **Anglian Water** – Foul drainage and sewerage system will have capacity for the development. Preferred method of surface water disposal would be a Sustainable Urban Drainage System. A condition is requested for details of surface water management.
- 6.5 **Arboricultural Officer** - The proposals require the removal of low quality trees. Unlikely that tree roots will be beneath the existing structures on site therefore no mitigation measures required. An Arboricultural Method Statement and detailed landscape scheme should be conditioned. On balance it is difficult to see how this application could be refused purely based on arboricultural reasons.
- 6.6 **Environmental Health** – Further work is required on remediation of the site, which can be secured by conditions.
- 6.7 **Environment Agency** – Previous objections withdrawn subject to conditions requiring compliance with the revised FRA and drainage details.

- 6.8 **Western Power Distribution** – No objections.
- 6.9 **Local Highway Authority** – No observation to make subject to a Section 184 licence being applied for, for the new crossover.
- 6.10 **Police Crime Prevention Design Adviser** – Removal of external parking (as shown on amended plans) is preferable and crime prevention measures acceptable but should be conditioned.
- 6.11 **Construction Futures** – Request the provision of training on site and a contribution towards the cost of monitoring training provision.
- 6.12 **St James Residents Association** – Affordable housing should be included, including provision for those with disabilities. Section 106 contributions should be made towards improvements and maintenance in Victoria Park and refurbishment of the library. Concerns also raised re parking, height and design of the buildings and flood risk.
- 6.13 The application was notified to adjoining occupiers and by means of site and press notices, one representation was received from one nearby resident asking for clarification as to the nature of the proposals, but no objections from residents were received.

7. APPRAISAL

- 7.1 The issues to consider are the principle of the proposal, the impact of the proposed development in visual terms, including its impact on the street scene and on the neighbouring park, any impact on neighbouring occupiers, living conditions for future occupiers, including the issues of protection from flood risk and security, and whether the level of parking provision is appropriate.
- 7.2 Further issues relate to policy compliance in respect of the provision of affordable housing, and the making of contributions to offset for education and healthcare provision, to offset the impact of the development.

Principle of Residential Development

- 7.3 The site is designated within the Local Plan as falling within a primarily residential area. The principle of residential development is therefore acceptable in this location.

Scale and density and impact on the street scene and surrounding area

- 7.4 The proposed building would be three to five storeys in height, in an area in which the majority of other buildings are two storey terraced houses. The existing buildings on the site are single storey.
- 7.5 The proposed building would, therefore, be a significant addition to the area in terms of its scale and bulk.
- 7.6 However, it is considered that the existing buildings on the site now have a run down, semi derelict appearance and are not an asset to the area in visual terms.
- 7.7 Whilst the new development would be significant in scale it is considered that this can be viewed as a landmark feature of the area and it is felt that the location

adjacent to an open area of parkland would invite the development of a building of significant size. It is not considered that the proposal would be an over-intensive development of the site.

Impact on adjoining occupiers

- 7.8 The blocks have been designed to step down in height, in proximity to neighbouring occupiers and the blocks as proposed would be 21 m from the rear elevation of nos. 3, 4 and 5 Richmond Terrace, 12.5m from the side elevation of 2 Richmond Terrace, 21m from the rear of 61 St James Park Road and 25m from the rear of 59a St James Park Road. The separation across St James Park Road would be 13.5m, in common with other development in the area. As such it is considered that there would be no adverse impact in respect of overlooking, overshadowing or visual dominance.

Parking standards and highway matters

- 7.9 The proposed development would include 43 parking spaces, which is a revision from the originally proposed 45 provision due to concerns over two of the spaces which were to front onto St James Park Road, with the absence of visibility splays but also due to security concerns. These two spaces have been removed.
- 7.10 The provision is now, therefore, less than one space per flat. And with no scope for additional visitor parking. However, the site is in a sustainable location close to the town centre and within walking distance of the railway station. It is considered that occupiers need not have cars although recognised that some may still require a car. The shortfall in parking would be made up by cycle parking provision. Whilst it is acknowledged that on street parking can become congested as a result from parking associated with the station. The current provision is considered to be acceptable and no objection has been raised by the Highway Authority.

Flood Risk

- 7.11 The site is located within the flood zone 3 and therefore the Environment Agency were consulted, and initially objected due to its location in the flood plain and the fact that the occupants of the ground floor flats would not have a means of escaping from rising flood waters. This issue did not apply to the previous scheme on this site which had undercroft parking at the ground level throughout.
- 7.12 Revisions to the scheme were therefore carried out, to provide duplex flats on the lower two floors, for the blocks closest to the park. The flats further from the park would have undercroft parking at ground level, as with the previous scheme. Based on this new layout and the revised flood risk assessment, the Environment Agency have removed their objection.

Affordable Housing

- 7.13 As set out above, Policy H2 of the JCS sets out a requirement for affordable at 35% for developments of 15 or more dwellings.
- 7.14 Within the application as originally submitted reference was made to affordable housing being provided, with the exact provision to be negotiated, based on viability. During the course of the application it was stated by the applicants that they did not consider that it would be viable for any affordable housing to be

provided. A viability analysis was, therefore, produced on behalf of the applicants and this has been considered by independent consultants on behalf of the Council.

- 7.15 The assessments produced considered the viability of both a fully policy compliant scheme with 35% affordable housing and also with no affordable housing provision.
- 7.16 It was found that the policy compliant scenario, taking into account all reasonable costs for this site, produced a negative land value.
- 7.17 A further analysis of a 100% market housing scenario did produce a positive land value. However, this was less than the benchmark land value assessed for the site, which would mean that the landowner would not be incentivised to sell. The conclusion of the consultants was, therefore, that the scheme was not viable even with 100% market housing.
- 7.18 Based on this assessment, it would not be reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore it would not be deliverable.

Other Section 106 Contributions

- 7.19 Comments from the County Council Development Management Section request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.20 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity, whilst a request has been made by NHS England for a contribution towards increased healthcare facilities.
- 7.21 A further requirement is for the provision of construction training and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.22 However, these contributions are also subject to the viability assessment as discussed above. Given that the land value produced for the site would be below the benchmark level, the site would not be sold to the applicants if the full level of contributions had to be paid, resulting therefore in the site remaining undeveloped for a further period, unless a more profitable use could be found. Given the scale of this development as proposed, it is considered unlikely that a more intensive development of the site would be acceptable and it is recommended, therefore, that the contributions required to be paid for healthcare, education and construction training should be reduced proportionately to produce a land value which would incentivise the sale of the land. This would reduce these contributions to 35.5% of the requested figures.

8. CONCLUSION

- 8.1 The proposed development is considered to be acceptable in terms of its impact on the street scene and on adjoining occupiers, and in respect of the standard of accommodation to be provided, including the flood protection measures included.

8.2 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing, or the full level of other Section 106 contributions is required. It is recommended therefore that the scheme is approved with no affordable housing requirement and with reduced contributions towards planning obligations.

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: 1016 -001 A, 1016 -002 B, 1016 -003 C, 1016 – 004 B, 1016 - 005 A, 1016 – 006A, 1016 – 007 B, 1016 – 008 B, 1016 – 009 B, 1016 – 10 A, 1016 – 011A.

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

(3) Details and/or 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 E20 of the Northampton Local Plan.

(4) Prior to first occupation of the apartments hereby approved, full details of security measures to be included within the development, including the remote parking area, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development and shall be available and functional before the occupation of any of the flats hereby approved.

Reason: In the interest of the security of future occupiers of the development and the prevention of crime, in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(5) The parking spaces shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure adequate parking remains available for the lifetime of the development, in accordance with the National Planning Policy Framework.

(6) Prior to the commencement of any development on site an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all trees to be retained which shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste

shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition as it is necessary that protection is in place before any works are carried out in the proximity of the trees.

(7) 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 site including surface treatment. 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. This is a pre-commencement condition as it is necessary that protection is in place before any works are carried out in the proximity of the trees.

(8) 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, 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.

(9) Prior to construction work commencing on site, further site investigation shall be carried out in accordance with the recommendations of the Ground Investigation – Contamination Assessment and Foundation Design Criteria Assessment P14-021gi Report dated August 2014 and the results shall be used to produce a remediation scheme, which shall be submitted to the Local Planning Authority for approval. Construction work shall not commence on site until confirmation of the full implementation of the approved remediation scheme has been confirmed by means of a validation report that has been submitted to and approved by the Local Planning Authority. Any unexpected suspect contamination discovered during the development of the site shall be reported to the Local Planning Authority forthwith. The unexpected contamination shall be assessed and remediated by methods agreed with the Local Planning Authority prior to the occupation of the development.

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 National Planning Policy Framework. This condition is required in order to ensure that investigation works are carried out in a timely manner.

(10) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14/18414/FRA, Rev A, dated May 2015, DSA) and the following mitigation measures detailed within it:

1. Finished floor levels are set no lower than 60.65m above Ordnance Datum (AOD).
2. No ground floor sleeping accommodation is proposed.
3. A secondary access route is proposed.
4. The occupants sign up to 'Floodline Warnings Direct'

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

(11) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

(12) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. 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 in accordance with the National Planning Policy Framework.

(13) Notwithstanding the details as submitted, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development 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 site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the apartments hereby permitted and retained thereafter.

Reason: To ensure the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with S10 of the West Northamptonshire Joint Core Strategy.

(15) Prior to the commencement of construction works on site, details of the 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 S10 of the West Northamptonshire Joint Core Strategy. The condition is required in order to ensure that the provisions of such details in a timely manner.

10. BACKGROUND PAPERS

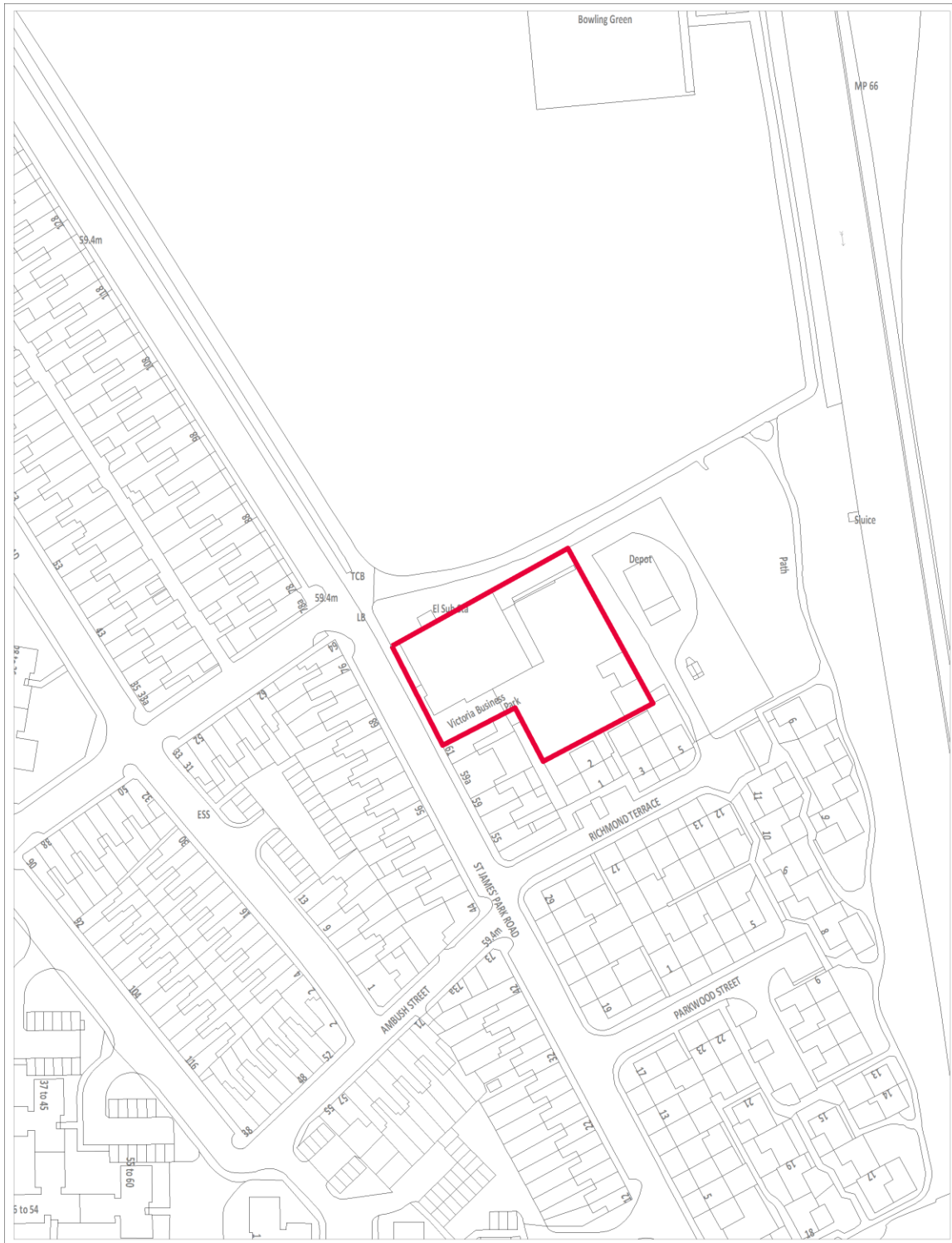
10.1 Application file N/2014/1163

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 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.



Name: **Location Plan**
 Date: **4th February 2015**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Victoria Business Park, St James Park Road

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