

PLANNING COMMITTEE: 9th May 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0401

LOCATION: Former Kingsthorpe Middle School, Northfield Way

DESCRIPTION: Variation of Section 106 Legal Agreement in relation to Outline Planning Permission N/2015/0647 for residential development of up to 195 dwellings

WARD: Spring Park Ward

APPLICANT: Persimmon Homes Ltd
AGENT: Alice Kirkham

REFERRED BY: Head of Planning
REASON: S106 Legal Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 That Committee **AGREE** to vary the Section 106 Legal Agreement so that 70% of the development is occupied on the Rentplus model and 30% is occupied utilising the Discounted Market Sales Housing model.

2. THE PROPOSAL

- 2.1 The applicant has applied to vary the existing Section 106 Agreement in order to change the composition of the affordable housing provision, although the actual total amount of affordable housing would remain unchanged from the 35% previously agreed.

3. SITE DESCRIPTION

- 3.1 The application site was originally developed to provide a school to serve the surrounding residential accommodation, much of which was constructed around the same time of the school. However, the reorganisation of school provision within Northampton meant that this school was deemed surplus to requirements and the site has been vacant since late 2007. A comparatively small proportion of the site was developed (in 2009) to form a children's centre. This land is excluded from the current application.

- 3.2 The immediate surroundings of the site are predominantly residential in character, with many of the surrounding dwellings being constructed since the 1970s. The site lies between the Kingsthorpe Recreation Ground (to the east) and allotments (to the west).

4. PLANNING HISTORY

- 4.1 N/2015/0647 – Outline application with all matters reserved except access (from Penfold Close/Northfield Way) for residential development of up to 195 dwellings, public open space and associated access – Approved.
- 4.2 N/2016/0572 – Reserved matters application for residential development for 195 dwellings and public open space – Approved.

5. PLANNING POLICY

5.1 Statutory Duty

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) and Northampton Local Plan (1997) saved policies).

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:

- 5.3 Paragraph 49 requires 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. In terms of providing additional housing, planning proposals should provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

5.4 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:

- 5.5 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.6 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

6. APPRAISAL

- 6.1 The existing Section 106 Agreement secured 35% of the development for occupation on affordable tenures. Following the approval of the Reserved Matters application, this was confirmed as being 69 dwellings. Of this, and in line with adopted Policy, 70% (48 dwellings) were to be made available on affordable rented tenures and 30% (21) were to be occupied on shared ownership tenures.
- 6.2 Following the grant of planning permission, the developer has approached a significant number of Registered Providers to take on the management of these affordable dwellings. All of these Registered Providers have declined for a variety of reasons including the timescales for completion, a lack of capacity in the programmes of the Registered Providers and the number of one bedroom dwellings in the development (although these are representative of the overall composition of the permitted housing mix).
- 6.3 As a consequence, without variation to the Section 106 Agreement, there is a significant chance that the development in its entirety (be it those dwellings proposed for market or affordable tenures) could not be occupied. Clearly, this would have repercussions on the delivery of needed housing within the Borough. Due to this conclusion, it is appropriate to consider amendments to the Legal Agreement.
- 6.4 The developer has considered alternative models for the provision of the affordable housing units. It is proposed that the affordable rented portion of the development be occupied using the 'Rentplus' model. This particular model would provide tenants with a renewable lease at affordable rented levels, but that every five years tenants would have the opportunity to purchase their property at a discounted rate. If neither of these options are pursued, the dwelling would be offered to a Registered Provider, again at a reduced rate. Should no Registered Provider be forthcoming, the dwelling would be sold at market rate, and the Council would receive a commuted sum, which would be specified within the legal agreement and that the Council would use for funding off-site provision of affordable housing.
- 6.5 In respect of the intermediate (shared) ownership, the developer is proposing at utilising the Discounted Market Sales Housing model. The revised Section 106 Agreement would include a discount of at least 20% on all subsequent sales of the property, with eligibility to buy being determined by local income levels.
- 6.6 The total amount of affordable housing would be unchanged from that approved in 2015. Whilst the models of provision would differ, they are similar to those normally utilised and as a consequence, it is considered that the proposed variation is acceptable as it would enable the delivery of the development.

7. CONCLUSION

- 7.1 Given the similarities in models of provision and the need to ensure the delivery of new affordable housing within the Borough, it is considered that the proposed amendment is acceptable.

8. BACKGROUND PAPERS

- 8.1 N/2016/0572.

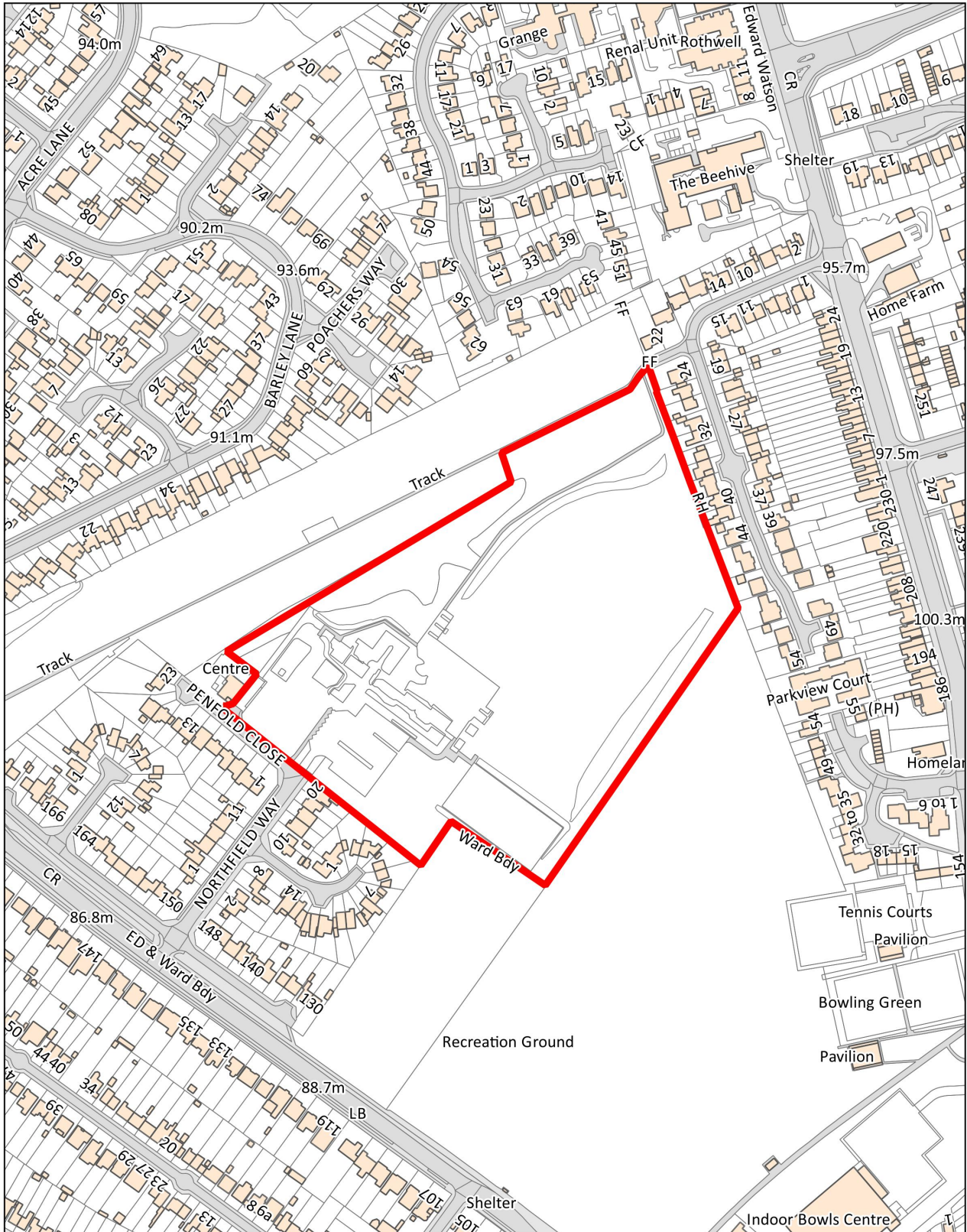
9. LEGAL IMPLICATIONS

- 9.1 None.

10. SUMMARY AND LINKS TO CORPORATE PLAN

- 10.1 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.



Title: **Former Kingthorpe Middle School**

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Date: 21-04-2017

Scale: 1:3,000

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