



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 19th December 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 agreement in relation to affordable housing provision

WARD: Spring Park Ward

APPLICANT: Persimmon Homes
AGENT: Persimmon Homes

REFERRED BY: Head of Planning
REASON: S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 That Committee **AGREE** to vary the Section 106 Legal Agreement so that the affordable housing element is occupied on the following tenures:
- 70% (48 dwellings) Rentplus model;
 - 21% (14 dwellings) Shared Ownership; and
 - 9% (6 dwellings) Affordable Rent.

2. THE PROPOSAL

- 2.1 The applicant has applied to vary the existing Section 106 Agreement in order to vary 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 site 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.
- 4.3 The above planning permission is the process of being implemented.

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 dwellings) 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 (RP) to take on the management of these affordable dwellings. However, for a variety of reasons, it has not been possible to identify a RP to take on the affordable housing in its originally agreed form.
- 6.3 In response to this, the Planning Committee agreed (in May 2017) to vary the types of affordable housing so that 70% of the affordable housing be occupied on the Rentplus model and 30% is occupied utilising the Discounted Market Sales Housing model. Whilst a Deed of Variation to the Section 106 Agreement has been drafted, it is not yet signed.
- 6.4 In the intervening period, the developer (Persimmon Homes Ltd) has continued discussions with RPs in regard of the affordable housing provision. As a consequence, a new RP has been identified and it is now proposed that the 70% of the affordable housing provision to be occupied utilising the Rentplus model (as previously agreed), with the remaining 30% to be occupied on a combination of affordable rented and shared ownership tenures.
- 6.5 The Rentplus 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 the tenant does not wish to purchase their property, it can be offered to other tenants within the development on the same terms. If neither of these options are pursued, the dwelling would be offered to a RP, again at a reduced rate. Should no RP be forthcoming, the dwelling would be sold at open market value, but that 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.
- 6.6 Whilst there would be some changes to the tenures of the affordable housing, the overall amount would be unchanged and would remain at a policy compliant 35%. Furthermore the latest proposed amendment to the affordable housing tenures is closer to the position within the Council's adopted Affordable Housing Supplementary Planning Document than the amendment previously agreed in May.

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

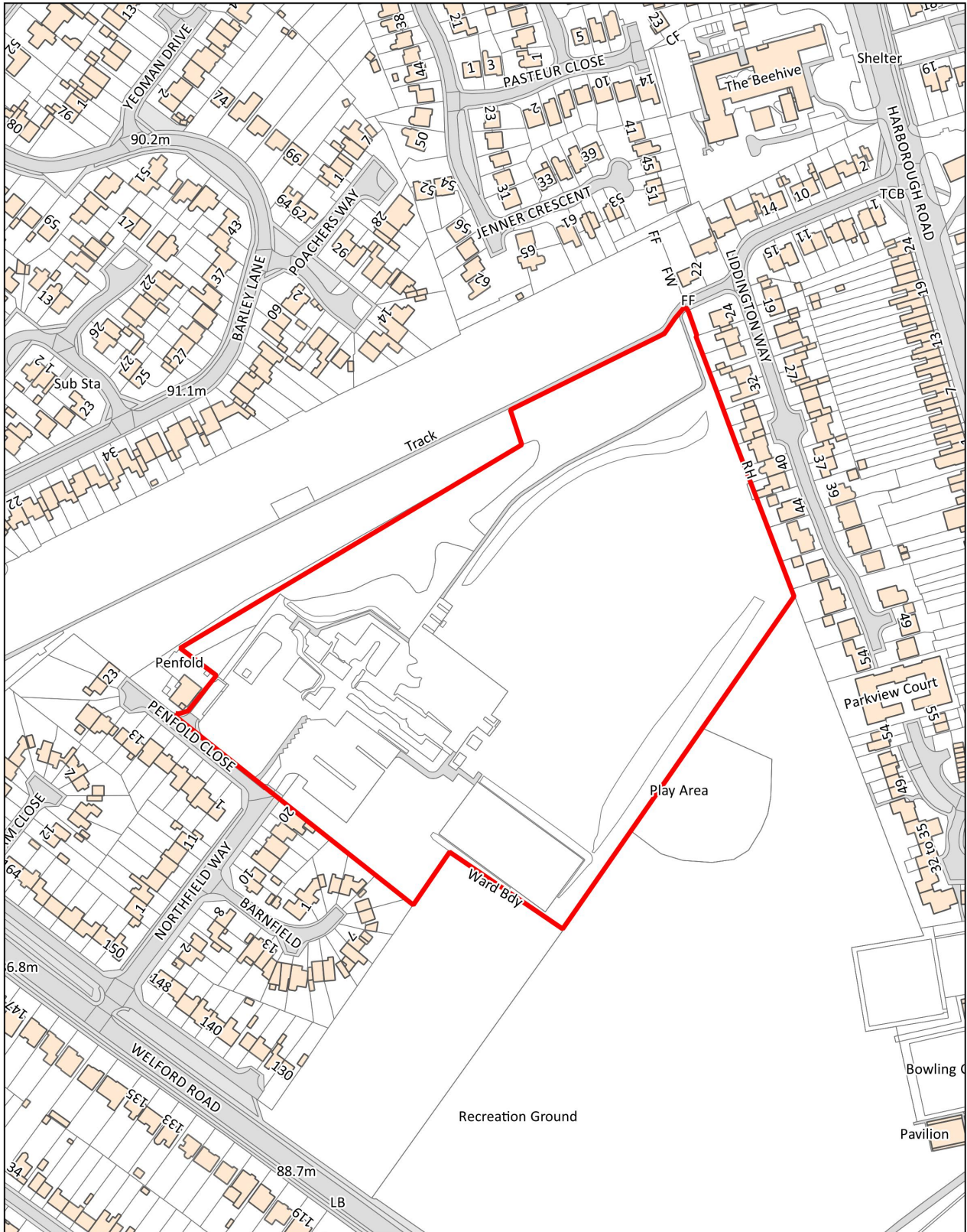
- 8.1 N/2016/0572, N/2017/0401.

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: **Kingsthorpe Middle School**

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Date: 05-12-2017

Scale: 1:2,500

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