

PLANNING COMMITTEE: 7th May 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1587

LOCATION: St James Works, Vicarage Road

DESCRIPTION: Demolition of St James Works factory and the construction of 20no affordable dwellings and associated external works and road

WARD: Spencer Ward

APPLICANT: Waterloo Housing Group Ltd
AGENT: Morton Wykes Kramer Ltd

REFERRED BY: Head of Planning
REASON: Major Application requiring S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure:

- i) 100% on-site affordable housing;
- ii) Part contributions toward primary education; and
- iii) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.2 The conditions as set out below and for the following reason:

The proposed development would bring about regeneration of a brownfield site and contribute to the Council's five year housing land supply, providing much needed affordable housing. As part of a balanced assessment, it is considered acceptable subject to conditions and a Section 106 legal agreement. Therefore, no objections are raised to the proposal with regards to the National Planning Policy Framework; Policies S1, S3, S10, C2, H1, H2, H4, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

1.3 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 Head of 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 applicant seeks planning permission to redevelop the site to create 20 dwellings. The composition of the development would be 7 two-bedroom and 9 three-bedroom houses, and 4 two-bedroom maisonettes. All of the dwellings would be two storeys, some with dormers in the roof.
- 2.2 A total of 37 car parking spaces would be provided on site. A new access to the site would be provided from Vicarage Road.
- 2.3 Bin and cycle storage structures would be provided for the maisonettes. A substation has also been proposed to serve the development.

3 SITE DESCRIPTION

- 3.1 The application site was originally occupied by an industrial unit. Following fire damage some years ago, part of the building on site was demolished. Part of the boundary walls remain on site fronting Vicarage Road and Baring Road, and the forecourt has been used for car storage. The site's existing accesses are from both Baring Road and the corner of Vicarage Road.
- 3.2 The site is bounded by the St James Primary School to the northwest, Baring Road and residential properties to the northeast, Vicarage Road and other residential properties to the southeast. An existing industrial unit lies to the southern corner of the site and has been known as the Piano Warehouse. To the west are other residential properties.

4 PLANNING HISTORY

- 4.1 N/2000/0132 Planning permission was granted in April 2000 for the use of the building for car breaker business.
- 4.2 N/2018/1654 Prior Notification for the demolition of St James Works factory was approved on 24th January 2019.

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), 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 5 - Housing Supply

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places
Paragraph 148 - Planning system should support the transition to a low carbon future.
Paragraph 163 - Ensuring development does not increase flood risk
Paragraph 165 - Incorporating sustainable drainage systems in major developments
Section 12 - Achieving well designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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 - The Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S10 - Sustainable Development Principles
Policy C2 - New Developments
Policy H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable Housing
Policy H4 - Sustainable Housing
Policy BN7 - Flood Risk
Policy BN9 - Pollution control
Policy INF1 - Approach to Infrastructure Delivery
Policy INF2 - Contributions to Infrastructure Requirements

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 policy is material to this application:

Policy E20 – New Development

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Lead Local flood Authority** – having reviewed the submitted information, raised no objection to the proposal, subject to the imposition of planning conditions in relation to surface water drainage.
- 6.2 **Northamptonshire Police Crime Prevention Advisor** – no objection; the final revised plans incorporate the advice from the Crime Prevention Advisor. The bike store/bin store should be secured with a 5 lever lock.
- 6.3 **Northamptonshire County Council Development Management** – requested contributions in relation to primary education, fire hydrants, libraries and broadband.
- 6.4 **Environment Agency** – no object to the proposal and recommended planning conditions to be imposed in relation to potential land contamination.
- 6.5 **Councillor Gareth Eales** – residents are happy that longstanding eyesore is to be developed. So long as highways give due consideration to any preventative measures that can be implemented to

prevent dangerous parking and if the developer can see if additional parking could be made within the site plans, would like to support the application.

- 6.6 **Northamptonshire County Council Highways** – technical comments submitted for the original proposal. Formal comments on the revised scheme are awaited and will be reported to the Committee via the addendum.
- 6.7 **Construction Future** – a financial contribution is requested for construction training.
- 6.8 **Anglian Water** – no objections and recommended conditions and informatives in relation to surface and foul water drainage.
- 6.9 **NBC Environmental Health** – no objections to the application and recommended planning conditions in relation to land contamination, noise impact, gas boiler and electric charging points.
- 6.10 **NBC Housing Strategy** – Support the application.

7 APPRAISAL

Principle of the Development

- 7.1 The application site is identified in the Northampton Local Plan as a residential area. However, the building on site was previously used by various commercial operators including paper recycling and also a car breaker. These could be considered as non-conforming uses within a residential area. The building was damaged by fire and part of the fabric was subsequently removed. As a consequence, it is considered appropriate to consider alternative land uses for the site. Due to the prevailing residential character of the surrounding area, it is considered that the development of the site for residential accommodation is appropriate.
- 7.2 In addition, weight should be given to the fact that the Council cannot currently demonstrate a five year housing land supply. The development would therefore make a contribution to address this need. The proposed development would result in the satisfactory reuse of a previously developed site within the existing urban area, which would contribute to the overall delivery of a sustainable form of development.
- 7.3 The applicant has confirmed that 100% affordable dwellings would be provided on site. This would be secured by way of a S106 agreement.
- 7.4 The development comprises two and three bedroom family dwellings as well as two bedroom maisonettes. The mixture of housing types would conform with the requirements of the NPPF in terms of creating a varied form of development that meets the future needs of the community.

Design, layout and impact on neighbouring properties

- 7.5 The proposed dwellings are mainly two storeys in height, apart from plots 5, 6, 7, 8, 10, 11, 18, 19 and 20 which would have dormers in the front roof slopes to add interest. The dwellings would be finished in bricks with smooth render. Some of them would include feature gables and arched brick details above doorways and windows to reflect the local character of the area. It is considered that the proposed height and scale of the development are in keeping with the type and form of dwellings in the nearby streets.
- 7.6 The design and layout of the dwellings would ensure that the future residents of the development would have a satisfactory level of light, outlook and privacy. This would ensure conformity with the requirements of national and local planning policies and result in residents of the development having a satisfactory level of amenity. In addition, suitable sized garden spaces have been provided for all the houses, which is considered to be necessary given the provision of family accommodation as part of the development. In addition, suitable boundary treatments would be provided to enhance security of the site and to ensure privacy of private spaces.

- 7.7 Due to the siting and layout of the development, sufficient separation distances would be maintained between the new dwellings and existing properties to prevent any undue loss of light, outlook and privacy. No objections have been received from any local residents on the proposal.
- 7.8 It is appreciated that the construction process has the potential to have some impacts on neighbouring properties in terms of noise and other activities. In order to counteract this, a condition would secure the submission, and agreement, of a Construction Environment Management Plan. This would cover, but not be limited to, hours in which construction works would take place, the routing of construction traffic and strategies to control noise and dust.
- 7.9 Bearing in mind the poor state of the existing site, the proposed redevelopment scheme would bring much improved streetscene of the area and bring significant benefits and improvements to visual amenity of the area.

Highways

- 7.10 Access to the site would be via Vicarage Road and the access road would take the form of a cul-de-sac. A total of 37 car parking spaces including one visitor space would be provided. There is a shortfall of three spaces as compared with the County Parking Standards. However, there is no parking restrictions on Vicarage Road and Baring Road and it is considered that the proposed level of provision is acceptable.
- 7.11 The car parking spaces are located in positions that would ensure that they benefit from sufficient natural surveillance in order to ensure that they are safe and secure, which will serve to deter anti-social behaviour, whilst also encouraging their use. The Crime Prevention Advisor has no objection to the application.
- 7.12 The layout of the scheme has been revised following comments from the Local Highway Authority (LHA). However, formal comments are still awaited and will be reported to the Committee via the addendum.

Drainage and Contamination

- 7.13 The site is not within an area associated with high flood risk, however, it is necessary to ensure that the construction of the development does not increase flood risk with on site or elsewhere. Appropriate planning conditions would be imposed to make sure that both adequate surface and foul drainage are provided. The Environment Agency, Anglian Water and the Lead Local Flood Authority have no objection to the application, subject to conditions and informatives.
- 7.14 As the site was previously occupied by various commercial/industrial uses, appropriate conditions would be imposed to ensure that any potential contamination of the site would be adequately remediated.

Legal Agreement

- 7.15 Ordinarily for developments of this scale, a Section 106 Agreement to secure various items of mitigation would be entered into, such as contributions towards primary school provision, open space and construction workers training. In this case however, the applicant has supplied a viability appraisal, which demonstrates that owing to the abnormal costs associated with the bringing forward of this site, combined with a diminished level of financial returns, there would be insufficient funds to pay for such mitigation in their entirety. It is understood that the primary reason for the latter point is that the developer is intending to occupy the entirety of the development on affordable tenures, which reduces the potential level of profit.
- 7.16 It is therefore incumbent upon Local Planning Authorities to balance the harm arising from the diminished level of mitigation against the benefits of the proposal. In this case, it is considered that as this proposal would remove a non-conforming land use, deliver additional houses within

Northampton (bearing in mind that the site is not currently included within the current housing land supply calculations), and would deliver housing on much needed affordable tenures. On that basis, it is considered that the benefits of bringing the site forward for affordable housing are significant. Given this conclusion, it is therefore considered necessary and reasonable that a legal agreement secure the entire development for occupation on affordable tenures in perpetuity.

- 7.17 Notwithstanding the preceding conclusion, there are limited funds available for off-site mitigation, and it is recommended that the legal agreement secure these for primary education provision.
- 7.18 Whilst it is noted that the County Council also requested financial contributions towards the provision of the library service and fire hydrants, it is considered that there is insufficient policy justification to request such contributions and, with reference to the statutory legal tests for securing legal obligation, cannot be supported, notwithstanding the viability issues as highlighted previously. Such a conclusion is consistent with previous decisions made by the Council.
- 7.18 Overall, subject to a legal agreement to secure the aforementioned 100% affordable housing and education contributions it is considered that the scheme is acceptable.

Other Matters

- 7.19 Due to the site's layout and the viability of the scheme, it is not considered that electric charging points could be requested in this instance, in order to make sure that the proposal would come forward which would bring much needed housing and significant improvement to the area.

8 CONCLUSION

- 8.1 It is considered that the proposed development represents a much welcomed regeneration of this brownfield site in a residential area. The proposed development would assist in delivering much needed additional affordable housing within the Northampton area. It is considered that as the proposal would not unduly impact on the surrounding area and that the impacts of the development could be mitigated, the proposal is compliant with the requirements of national and local planning policies.

9 CONDITIONS

- 9.1 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 enclosed approved plans schedule.

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

3. Notwithstanding the details as submitted, full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first 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 S10 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site and to safeguard residential amenity in accordance with Policy E20 of the Northampton Local Plan.

5. The development hereby permitted shall be carried out in accordance with the details of proposed ground levels and finished floor levels shown on drawing number 5675 WMS ZZ XX DRC 39001-S3-P6.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

6. The maisonettes bin store shown on the plans hereby approved shall be constructed prior to the first occupation of the permitted maisonette properties and retained thereafter.

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.

7. The maisonette bicycle shelter shown on the plans hereby approved shall be installed prior to the first occupation of the permitted maisonettes and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the National Planning Policy Framework.

8. Prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, 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
- The hours in which deliveries and construction works would take place.

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 and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

9. The car parking and manoeuvring spaces as shown on drawing 5675 MWK 0000 DR A 0004 S4 shall be fully implemented prior to the first occupation of the development and retained thereafter.

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

10. No development apart from demolition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a details scheme of hard and soft landscaping for the site.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the National Planning Policy Framework.

11. All planting, seeding or turfing as shown on the approved landscaping scheme 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the National Planning Policy Framework.

12. Notwithstanding the details submitted, full details of the surface treatments to all access, paths and roadways 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 shall be retained thereafter.

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

13. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy ref. 5675-WMS-ZZ-XX-REP-C-39201-S8-P2-Drainage_Strategy prepared by Williams Saunders consultants dated 13th March 2019 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required);
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations;
- iii) Cross sections and manufacturers hydraulic curves for all control chambers and flow control devices; and
- iv) BRE 365 infiltration test results.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

14. No above ground work shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To ensure maintenance of drainage systems associated with the development and to reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

15. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage

engineer and approved the Local Planning Authority prior to occupation of the site based on the approved Drainage Strategy ref. 5675-WMS-ZZ-XX-REP-C-39201-S8-P2-Drainage_Strategy prepared by Williams Saunders consultants dated 13th March 2019. These shall include:

- i) Any departure from the agreed design is keeping with the approved principles;
- ii) Any As-Built Drawings and accompanying photos;
- iii) Results of any Performance Testing undertaken as a part of the application process (if required/necessary); and
- iv) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges.

Reason: To ensure the installed surface water drainage system is satisfactory and in accordance with the approved reports for the development site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

16. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- 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, pathways and receptors; and
 - 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 the details risk assessment referred 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 to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

17. Prior to the occupation of the development hereby permitted a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment in line with the National Planning Policy Framework.

18. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing by the Local Planning Authority) until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources in line with the National Planning Policy Framework.

19. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

20. Prior to the commencement of construction works on site above slab levels, a scheme for achieving the noise levels contained within BS8233:2014 (or any standard revoking and replacing that standard with or without modification) with regards to the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of the dwellings hereby approved.

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

21. Full details of all proposed external facing materials shall be first 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.

10 BACKGROUND PAPERS

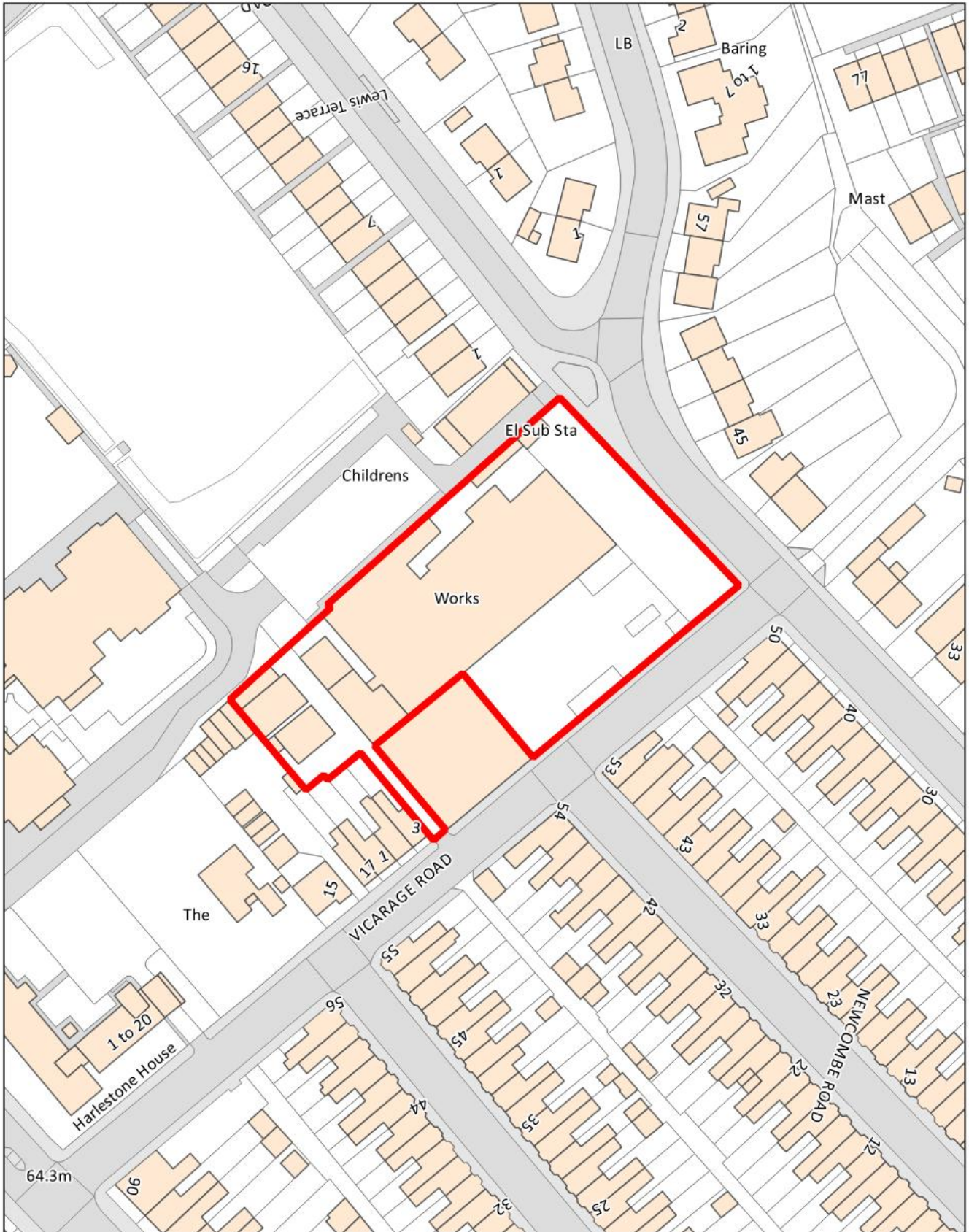
10.1 N/2018/1587.

11 LEGAL IMPLICATIONS

11.1 The development is CIL liable.

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.



Title: **St James Works, Vicarage Road**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 24-04-2019

Scale: 1:1,000

Drawn by: -----