

**Development Control Committee
18 September 2012**

Additional Information

KJC1 – S12/1331

Proposal: Approval of Reserved Matters for residential development of 105 dwellings and associated garaging and infrastructure pursuant to outline Planning Permission S108/1231

Information Received:

The following consultee comments have been received since the drafting of the committee report:

Local Highway Authority

Initial Comments

Thank you for your letter dated 11 June 2012 in respect of the above enquiry. I have the following comments and/or observations:

In respect of the layout for the site, being Parcel H of the Poplar Farm development, access, principles of road alignment and hard standings for the parking of vehicles these are acceptable in purely highway terms in accordance with Conditions 2 and 7 of the outline permission.

In respect of Conditions 6 & 13, the extent of adoptable highway shall be clearly defined by appropriate means when the roads and footways are constructed.

In accordance with Condition 20, the Applicants have submitted a survey of protected species activity within this phase.

Their protection and any mitigating measures will be the subject of ongoing technical appraisal and any agreed measures shall need to be implemented in accordance with timescales set by the local planning authority in writing.

It is known that badgers are present in the locale and the roads infrastructure should not be compromised by the species undermining the lower layer of construction.

A permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to be submitted on request for approval of the Lead Local Floods Authority and any amendments to an approved scheme shall subsequently be implemented before occupation of the first unit of the phase to which this permission relates.

The foul and surface water drainage is proposed to be agreed and adopted under Section 104 of the Water Industry Act 1991. Under these circumstances, and again purely in highway terms it is considered that Condition 17 may only be discharged once Anglian Water in consideration of the requirements of the Environment Agency, Upper Witham Internal Drainage Board and Lead Local Floods Authority have been satisfied.

This applies also to Conditions 22 and 23 as the various phases come forward on an individual basis.

As you have indicated that these Conditions can be discharged sequentially and thus the relevant organisations can be satisfied that their individual proposals will not compromise those phases previously 'approved', the principle may be deemed acceptable.

Final Comments

The Application is for reserved matters, and the principle of development has previously been agreed following assessments and consideration of capacity in respect of the highway network.

I would draw your attention to Condition 28 of the Outline Permission.

In conjunction with the reserved matters application, the local highway authority is involved in the technical detailing of the proposals for the roads and associated infrastructure including street lighting and for entering into of the appropriate Agreements. In this respect this submission is in compliance with the outline planning permission.

Developer Submission

We write following your meeting with Mandy Gee, Ancer Spa and Barratt Homes on 5th September where the provision of affordable homes on the first two phases of development at Poplar Farm by Bellway Homes (Plot H) and David Wilson Homes (Plot D) was

discussed.

You have requested to set out:

1. How the proposals for affordable homes fits with the requirements of the Section 106 agreement.
2. The rationale for the current proposals. Fit with the Section 106 agreement.

The overall Section 106 package was concluded after a long negotiation between the landowners, SKDC officers and SKDC's consultants CGMS and NBS. With regard to affordable homes on the site the following was agreed as the basis for the Section 106 agreement (extract from agreed heads of terms):

Affordable Housing:	
Affordable housing to be provided	54 for the first 300 units.
Affordable housing to be provided	60 for 301-600 units.
Affordable housing to be provided	288 for 601-1,800 units.

i.e. a total of 402 units phased throughout the development at an average rate of 22.33% but stepping up over the over the course of the development.

The agreed heads of terms were then reported to planning committee as part of the officer's report on the 15th September 2009. With regard to affordable homes the report stated that:

- The planning gain package addresses the Social Infrastructure associated with the development. A firm of Chartered Surveyors with reference to the economic climate, policy constraints and recent appeal decisions has negotiated the value of the package. Your officers required that the package be set out in full rather than being subject to negotiation at set periods; in this respect a long life permission is recommended (see Conditions where the permission is recommended to allow 15 years for the submission of Reserved Matters).
- 402 units (a 60% increase) at an overall ratio of 22.33%. (*Increase was compared to the previous consent on the site*)
- Members will have noted that the percentage of affordable housing does not accord with the target of 31%. Members will be aware that this percentage is not in the saved Local Plan Policies but that advocated to meet need recorded in the 2006 Housing Survey. This reduction has been undertaken with the knowledge of the SKDC Housing Solutions Officer so that cash contributions to other aspects can be made.

Following the resolution to grant consent the Section 106 agreement was drafted and signed. With regard to affordable housing the relevant clauses are:

10. *The Owners shall not permit the Certification of:*

10.1 *More than 246 (two hundred and forty six) Dwellings before EITHER the transfer to a Registered Social Landlord agreed by the Council or to the Council of Affordable Housing Land for the provision of 54 (Fifty Four) Affordable Housing Units OR entering into a Contract with the Council or a Registered Social Landlord agreed by the Council for the construction of 54 Affordable Housing Units on the Affordable Housing Land PROVIDED THAT if at any time after the Certification of 235 Dwellings the Owners having used reasonable endeavours to find a Registered Social Landlord willing to accept an offer in accordance with paragraph 1 of Part 1 of this Schedule for transfer of 54 Affordable Housing Units or Affordable Housing Land therefore, have found no Registered Social Landlord so willing for all or part thereof the Owners shall offer in writing to transfer to the Council in accordance with sub paragraphs 1.2 and 1.3 of this part of this Schedule the Affordable Housing Units or the Affordable Housing Land for which no Registered Social Landlord so willing has been found and, if the offer has not been accepted in writing by the Council within two calendar months of the offer the Owners' obligation in this paragraph shall be deemed to have been fully discharged.*

It would have been clearer if the Section 106 stated that 'The owner shall not permit the Certification more than 246 market dwellings before either the transfer of 54 affordable housing units. Nevertheless it is clear that the intention of both parties was that of the first 300 units 54 (18%) should be affordable split 60/40 rented / shared ownership, (32 and 22).

The Section 106 requires in the Third schedule, Part 1, clause 3 that: "*The Affordable Housing Scheme is to be agreed in writing with the Council in terms of the location, tenure, size, type and mix to meet local housing need and neither party is to withhold consent unreasonably*"

Accordingly, we can confirm that both housebuilder's have written to the council proposing the following:

- Bellway Homes total 105 units of which 10 shared ownership and 3 rented. All 3 rented will be 3 bedroom properties.
- David Wilson Homes 99 units of which 9 are shared ownership and 4 rented.

The proposal for the first 204 units is therefore a total of 26 affordable leaving 28 to be delivered within the next phase at Poplar Farm of 96 units. This ratio of 28 units within the next 96 will result in a good mix of private and social housing. The current affordable housing proposals are therefore fully compliant with the letter of the Section 106 agreement as the trigger levels are all met.

The Rational for the Current Proposals

The whole subject of central government encouraging employment and economic growth through new house building is very topical at the moment. Government's announcements this week encourage and require local authorities to work with landowners and developers to ensure that schemes are viable and that new housing can commence as soon as possible. It is not the landowners' intention to seek to renegotiate the Section 106 package and as stated above the current proposals are compliant with the signed Section 106 agreement. However some cooperation and flexibility is sought from the council in order to get these first phases of development at Poplar Farm quickly away because:

- Like any large new housing scheme the current housing and mortgage market difficulties are not conducive to investing in the new housing projects. Low house prices and low rates of sale mean starting large new developments is difficult. Nevertheless these first two phases of development at Poplar Farm will be the first major new housing schemes to start in Grantham for 4 years.

Like any large new housing scheme the costs of opening up the site for development are significant: high upfront costs of providing utilities and drainage for the first phases, the extension of the Pennine Way to serve the Bellway site, over 11 hectares of open space to be provided, etc. These costs amount to some £3.5m. The infrastructure provided will also serve later phases of development making the next phases easier to bring forward.

- Plot H has its own special difficulties of steep gradients requiring expensive building solutions in terms of retaining walls and foundations which has knock on effect of the funds available to provide the infrastructure itemised above.

To conclude:

- The current affordable housing proposals are compliant with the Section 106 agreement.

- Subject to SKDC consent this scheme will deliver Grantham's first new major housing scheme for 4 years and deliver some 204 new homes including 26 affordable units of which 7 will be for rent. New jobs will be created by the construction works and a New Homes Bonus of several hundred thousand pounds will be received by SKDC.

- The project will respond to central government's recently announced major housing and planning package requiring local authorities and developers to work together to get new housing started.

Officer Comments

Highway Matters

The comments of the local highway authority confirm that the proposed development complies with the outline planning permission S08/1231 and would not have any significant detrimental impact on highway safety/capacity.

Section 106

There have been ongoing discussions in relation to affordable housing provision on the site. The developers have indicated that in the current economic climate viability issues have restricted their ability to deliver affordable housing.

Current Government Advice

Developer contributions, in particular affordable housing, are a very topical area. A recent Ministerial Statement, on 3rd July announced additional measures to support the delivery of sustainable development. The measures include the ability to renegotiate non-viable S106 agreements.

Of relevance to the determination of this reserved matters application is the commentary of Rt Hon Eric Pickles MP in relation to "Reducing the cumulative burden of red tape".

He states:

"It is vital that the affordable housing element of Section 106 agreements is negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent the construction of new housing. This results in no development, no regeneration and no community benefits at all when agreements are no longer economically viable.

The Government estimates that up to 75,000 new homes are currently stalled due to site viability. S106 is an important tool to provide affordable housing and we welcome the flexible approach that many councils have taken to renegotiating these agreements where necessary”.

Whilst the level of affordable housing provision proposed does not comply with the requirements of the S106 pro rata. It must be remembered that this is only part of the initial phase. The requirements of the S106 agreement can still be fulfilled by the later reserved matters submissions.

In relation to affordable housing the S106 requires:

54 affordable units shall be provided before completion of 246 units.

This scheme provides 13 affordable units of the 105 dwellings proposed.

Taking into consideration the current economic climate, the comments from the developer, the commentary from Rt Hon Eric Pickles and the fact that the future phases of the development will permit the remaining balance of affordable units to be provided it is considered that the affordable housing provision is acceptable.

Comments from the Partnerships and Project Officer (Affordable Housing)

Affordable Housing Provision

With reference to the above I can confirm that the proposed changes of tenure as outlined are acceptable for the first stages of development on the Poplar Farm site. The Council has been co-operating with the developers and have been flexible in agreeing this level of affordable housing and tenure in order to assist with the commencement of the first phases of this development. The proposals are as follows:-

Bellway Homes 13 affordable housing units of which 10 will be shared ownership and 3 x 3 bedroom properties for rent,

David Wilson Homes 13 affordable housing units of which 9 will be shared ownership and 4 properties for rent.

This will provide 26 of the 54 affordable housing units required by the S106 before the completion of 246 open market units on the Poplar Farm development. This will leave a balance of 28 affordable housing units to be provided from the development of the next 96 units.

Alterations/Additional Conditions

None

Changes to Recommendation

No change to recommendation.

JJ1 – S12/0438

Proposal: Demolition of existing retail warehouse building and erection of 10 dwellings at 2A Radcliffe Road, Stamford.

Information received:

Community Leisure Officer: No additional comments on amended plans.

Environmental Protection Officer:

1) The demolition contractor shall undertake a survey of the site for asbestos containing material. Any materials that are identified to contain asbestos shall be removed and disposed of in accordance to all appropriate regulations and HSE guidance for removal of asbestos.

2) To minimise noise impacts on surrounding properties it is recommend that 'demolition and construction works' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Demolition and Construction works shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Police Crime Prevention Design Advisor:

1) Lighting:

Before the development is brought into use, the courtyard area and gated entry shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

2) Rumble Strip

In the interest of pedestrian safety it is recommended that rumble strips (speed restrictors) are incorporated within the block paved driveway.

Stamford Town Council:

Stamford Town Council's Planning Committee remain very concerned over the density of this development and repeats its comments of strong objection to the proposed application as this development will have a serious impact on other development in the vicinity in Scotgate. The erection of 11 dwellings will overdevelop the site. The height of the design will dwarf the neighbouring

buildings and will impact on the skyline. There is concern over the traffic impact at an already busy junction on Radcliffe Road and North Street. Consideration should be given to the road layout at the very busy intersection which is the main access for emergency vehicles. It is recommended that this application is deferred to Development Control Committee and a site visit is conducted. It is considered that there is no reduction to the density and with loss of privacy as the development overlooks neighbouring properties. There is serious concern over the potential subsidence to the Police houses at the rear of the site.

Environment Agency: Comments are the same as those reported in the main agenda.

Three additional letters from local residents have been received. The comments can be summarised as follows:

- Concerns relating to increased traffic congestion in the surrounding area,
- Surely, the space which would be created if Anvils no longer exists could be used for something more amenable for the people of the town than yet more houses crammed into a small space,
- Confirmation requested that the maintenance and stability of the retaining wall to properties in Fontwell Gardens will be a condition of any approval,
- Confirmation that the height of the fenced boundary will not be lowered as part of the approved scheme,
- Confirmation that no access from the proposed development will be possible onto Fontwell Gardens,
- In view of the serious design and privacy concerns and vigorous debate held on 24 July when this matter was originally brought before the committee I consider that the application warrants further detailed discussion at the committee meeting on 18 September and not simply 'rubber-stamped' as approved under delegated powers. I say this because the re-design does not address all the concerns raised in the 24 July meeting and determination by delegated powers would prevent proper consideration,
- I am very pleased to see that all the 2nd floor windows overlooking me from the east terrace are now landings and bathrooms with a condition (no. 2) that they are fitted with obscure glazing and are non-opening below 1.7m and to be maintained as such thereafter. I would like this to become a legally binding requirement on all purchasers and their successors in title and noted as a restrictive covenant on the deeds in order that future occupiers do not make unwelcomed changes,
- I also note the requirements regarding the boundary treatments, with my particular concern being the east boundary wall. As above I would like this boundary to be maintained in accordance with the condition thereafter and for this to become a legally binding requirement on all purchasers and their successors in title and noted as a restrictive covenant on the deeds in order that future occupiers do not make unwelcomed changes,

- Whilst the number of units in the east terrace has been reduced from 7 to 6 the overall height remains the same and therefore it will still represent an imposing mass of building effectively eliminating the western outlook from my property causing a considerable loss of amenity value,
- On 24 July I suggested that the 3 gables to the rear of the east terrace were unnecessary architectural embellishments that could be removed to reduce the mass and therefore the overall impact of the terrace, but this has not been considered in the re-design,
- The proposed development remains ridiculously intense to maximise development profits and in my view is still a gross over-development of this site that will negatively impact on the amenity value and quality of life of owners and occupiers of all adjoining properties,
- I note that the separation distance between the east terrace and my property and Constable Mews has been shown as being increased by 2m compared to the original plans. I would point out that this distance represents the measurement between the principal elevation of the properties and not the distance between habitable spaces. Taking habitable spaces into account the separation distance is actually reduced by about 3m!
- The first floor patios to the east terrace clearly improve the rear amenity areas for the future occupiers but this space is still oppressive being contained on all 4 sides and in virtually continuous shade. These elevated patio areas coincide with my garden level and consequently the potential for noise and smells adversely affecting the amenity of my property will be considerably enhanced,
- The small strip of planting is effectively a complete waste of space of virtually no practical value whatsoever.

Officer's comments on information:

With regard to the comments from the Police Crime Prevention Advisor and the Council's Environmental Protection Officer it is recommended that the suggested conditions and informatives be added to any consent.

The issues of concern raised by Stamford Town Council are addressed in the main committee report agenda.

Issues relating to traffic congestion, residential amenity and the design of the proposed dwellings are all considered in the main committee report agenda.

One of the local residents has requested confirmation that the stability of the retaining wall will be maintained and required by way of a planning condition. Developers have a responsibility to ensure that the works are undertaken in an appropriate manner without causing damage to property. This is considered to be a civil issue and not something that can be controlled by way of a planning

condition. A condition has, however, been suggested requiring precise details of all boundary treatments to be used.

With regard to access to Fontwell Gardens the proposed plans do not show any access and this can be controlled through the boundary treatments condition. It is however recommended that condition 9 be amended to ensure that the boundary treatments are maintained in future and not replaced with alternative treatments without the local planning authorities consent.

Condition 2 in the main report requires the obscure glazing to be maintained as such. Therefore if the occupiers wanted to replace the windows with an alternative this would require a formal planning application.

Changes to recommendation:

That the following additional conditions and informatives be added.

Conditions:

16. Before the development is brought into use, the courtyard area and gated entry shall be provided with lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the lighting is appropriate and does not adversely impact on the residential amenities of the occupiers of neighbouring properties, in accordance with policy EN1 of the South Kesteven Core Strategy 2010.

17. No construction works, movement of construction traffic, and deliveries to and from the site shall occur other than between 0800 and 1800 hours Monday to Friday, and 0900 to 1300 hours on a Saturday. Demolition and construction works shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason: To protect the residential amenity of the occupiers of adjacent residential properties in accordance with condition EN1 of the adopted South Kesteven Core Strategy 2010.

Informatives:

The demolition contractor shall undertake a survey of the site for asbestos containing material. Any materials that are identified to contain asbestos shall be

removed and disposed of in accordance to all appropriate regulations and HSE guidance for removal of asbestos.

The applicant is advised that the Police Crime Prevention Design Advisor has suggested that in the interest of pedestrian safety it is recommended that rumble strips (speed restrictors) are incorporated within the block paved driveway.

Condition 9 should be amended to state the following:

“No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details. The details to be submitted shall include details of the retaining wall along the eastern site boundary and details of how this will be supported to ensure that it maintains its structural integrity. The approved boundary treatments shall thereafter be maintained unless otherwise approved in writing by the local planning authority.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).”