

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th October 2014

Agenda item 3

Application ref 14/00476/FUL

THE HOMESTEAD, MAY PLACE, BRAMPTON ROAD, MAY BANK

Since the preparation of the report further comments have been received from the Council's **Environmental Health Division** (in response to the noise survey report that has been submitted). The EHD confirm that in the light of this report they are now able to remove their previous objection regarding external noise levels. They indicate that they are confident that appropriate mitigation measures can be applied to reduce noise levels in some of the external areas, with the exception of the balconies, without affecting visual amenity through the design and selection of appropriate acoustic mitigation measures. Two conditions to secure appropriate measures regarding noise levels and noise generation are recommended.

The first part of this recommendation was anticipated by the inclusion of condition 13 in the list of suggested conditions in the agenda report, and a further condition (regarding noise levels from equipment on site is suggested).

The agenda report advised members that the Landscape Development Section are seeking a contribution of £2943 per unit to pay for off-site improvements to facilities at Brampton Park and that this equates to £191,295 and furthermore that the highway authority are recommending that a travel plan monitoring fee of £2,200.

The agenda report indicated that a conclusion had not been reached on the issue of whether or not the seeking of a financial contribution towards the maintenance of public open space would be justified, nor had the question of its impact upon the viability of the scheme been addressed within the report.

As members will be aware the Council has a Developer Contributions SPD and furthermore that in line with policies within both the Core Strategy and the Local Plan, it is Council policy to seek developer contributions to address the needs of future residents of developments and to mitigate the impact of developments. The 2010 CIL Regulations introduced legal requirements which Section 106 contributions must meet – to be justified and lawful. These are that they should

The position put by the Landscape Development Section is that this extracare scheme should be treated no differently from any other residential development. That said they have recognised in discussions that some of the requirements, say associated with active openspace (ie playingfields) would not arise with this type of development, and that accordingly some reduction on the normal public open space sum per unit would perhaps be appropriate. What such a reduction would be will be advised to members, but it is not that significant. They do however continue to maintain that they anticipate that this type of development could lead to additional demands upon the nearest significant open space – namely the Brampton – by reason of some of the occupants of the proposed extra care scheme fulfilling the role of 'active grandparents'- i.e. that they would in effect provide day care for children and that this would be reflected in the demands on open space, even though the scheme would be for over 55s only.

The applicants response to this issue has been at a number of different levels. First of all they have provided, in response to the active grandparenting argument some information from other similar schemes – to the effect that active day care for children by residents of such an extra care scheme is both most unlikely and furthermore would be unlikely to be acceptable to the Housing Trust – given the nature of the accommodation. They are not saying that children would not be welcome within the scheme but rather that it would be very much on an

occasional visitor basis. As information on what actually happens in other similar schemes this carries significant weight, as opposed to assertion what might be the position. However even when that element as well is taken away from the required developer contribution there still is a significant residual sum per unit.

Another argument made is the significant openspace/gardens that form part of the scheme. It is indeed the case that significant on site provision is being made, but particularly as a significant number of the units will not be occupied by persons in need of care – in order to create a balanced community – and such provision only partially addresses the public open space needs of the residents. Another argument made is that the occupants of the accommodation will most likely come from properties within the Newcastle area – that may well be true but that is not it is considered justification for a public open space contribution being sought.

In summary some form of financial contribution, albeit less than £2943 per unit, is required to make the development policy compliant insofar as public open space is concerned.

The next question is whether or not in the light of financial viability, it is appropriate not to seek such a contribution. The Council's approach to the issue of financial viability is to require both the provision of detailed information and its independent assessment. The applicants have submitted a viability statement that is provided as an Appendix to this update.

Members will note that no viability appraisal has been submitted, but rather the contention is that there are community benefits flowing from the scheme which the LPA should take into account. That may well be the case but such arguments do not provide substantive evidence that the Council's approach requires. The considerations are not ones which go to the issue of whether or not it has been demonstrated that if the contributions were sought the scheme would not be viable. This is what the developer contributions policy seeks.

Your officer's recommendation is that an appropriate contribution should be sought unless there is clear and substantive financial information to support the applicants claim that the scheme would not be viable. As to what that appropriate contribution would be is not yet determined but it is hoped that it will be possible to provide the committee with a figure.

The recommendation accordingly remains that financial contributions towards public open space and travel plan monitoring should be sought