

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
4th December 2018

Agenda item 6

Application Ref. 17/01033/FUL

Land at Birch House Road, Chesterton

Further correspondence has been received from the applicant (Aspire Housing) challenging the Council's position on seeking POS contributions, in particular the evidence base and thus the justification for such requests. In particular it is submitted that contributions need to be justified by an up to date assessment of open space, sports and recreation facilities; that the Borough does not have such an assessment publicly available; that such assessments should establish if there are any surplus or deficits in existing open space provision; that development should only be expected to mitigate their own impact and if the evidence demonstrates that there is a surplus of open space then it could be argued, depending on the scale of the proposal that the scheme has no adverse impact on open space and a contribution is not required. The Council is said to have been vague about where the money will be spent and what the money will be spent on. Aspire are asking the Council to reconsider its position and they indicate that if this is not possible they may need to test the principles of the Council's approach through the planning appeals process although this by no means their preference.

Whilst in this particular case it is being recommended that on the grounds of viability less than policy compliant contributions be accepted, the applicant is still being required (if the recommendation is agreed) to enter into a Section 106 that holds open the possibility that in the event of substantial commencement not being achieved, there would then be a requirement for a further appraisal that could in theory then be the basis for policy compliant contributions. Accordingly Aspire still want their concerns about the seeking of POS contributions to be addressed.

Whilst it is the case that the Council has not been able to provide Aspire with a copy of the Audit Database derived from the Open Space Strategy - because this contains sensitive information - information specific to this case has been provided – that Crackley Recreation ground is identified in the Audit as needing improvements to the

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teen elements of the site. It is this element that the contribution, if obtained, would be used to improve. It is not possible or reasonable at this stage to be any more specific than this. It is not considered that the request for the contribution fails either the statutory or the policy tests. The request in this instance, for the reasons set out in the main agenda report at paragraphs 6.4 & 6.5, is justified and CIL Regulation compliant.

The RECOMMENDATION remains as set out in the main agenda report.