

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
5th November 2019

Agenda Item 4

Application Ref. 19/00614/FUL

Ashfields Grange, Newcastle

Since the publication of the main agenda report the applicant has raised a number of queries in relation to the recommendation of your officer and the listed conditions. In particular, they have commented on the recommended S106 which requires that should the development not be substantially commenced within 12 months, a review of the scheme's ability to make a financial contribution to open space, will be required. They have indicated that the presence of bats within the roof of the existing buildings may delay when works can start on site because bats can only be relocated between the months of September and March. This also requires a License from Natural England. Therefore, if the applicant cannot relocate the bats before April 2020 then they will have to wait until September 2020. This delay may result in substantial commencement of the development not being achieved.

The applicant also indicates that recommended condition 3, which restricts the age of users, may cause future problems regarding occupancy. They indicate that there may be prospective residents of the scheme who are aged under 55 but who have specialist needs that can be accommodated by this type of development and the needs of such residents should not be prejudiced by Condition 3.

Officers Comments

In terms of the requirement for the development to have been substantially commenced within 12 months of the planning permission the reason for this stipulation is in recognition that financial circumstances can change over a period of time. In this instance the demolition works of the scheme are likely to take a number of months and in acknowledgement of the comments made by the applicant, in terms of bats, your officer accepts that delays may occur. In this instance, it is therefore considered that it would be reasonable to allow 18 months rather than 12 months for substantial commencement to occur before a review of the scheme's ability to make a financial contribution to open space is undertaken.

In terms of recommended condition 3, which would require the development to be occupied by those aged 55 and over. It was stipulated within the planning application submission that the proposed development would be occupied by persons aged 55 and over and the reason for the condition was to confirm the future use of the development. However, following consideration of the comments received from the applicant it is accepted that the condition would not meet the tests for imposing conditions, as set out in paragraph 55 of the NPPF because there are no material planning reasons why the development in this instance should be restricted to persons aged 55 and over.

The removal of any restrictions on the age of the occupants does affect the level of financial contribution that should be sought towards the improvements and maintenance of public open space (POS), however, as adjustments were made to reflect that the accommodation would be occupied elderly people. Adjustments are still justified for the single bed units, as these would not provide accommodation suitable for families. The full level of POS contribution is required for two bed units. In this case a contribution to comply with policy is only required for the additional 17 units that are provided over and above the number currently on site. Given that only approximately 15% of the units within the development are two bed units the required POS contribution has been calculated on the basis that 3 of the additional units are two bed units (which is approximately 15% of 17) and as such justify the full contribution

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(£5,579) and the remainder of the units require the lower figure (£4,933). This equates to a contribution of £85,799.

Bearing in mind the conclusion that has been reached regarding viability and taking into account that the sum now required has increased further consideration of viability is not required at this stage.

The applicant has also raised queries with regards to condition 19. This requires a revised Travel Plan. However, the Highways Authority has now advised that the submitted revised Travel Plan is acceptable. Therefore, condition 19 will now just require the implementation of the agreed Travel Plan.

Views of the Environmental Health Division, with regards to the applicants queries regarding conditions 25 & 26, have been sought and any comments received prior to the committee meeting will be reported.

The RECOMMENDATION is revised as follows;

- A. Subject to the applicant first entering into a Section 106 agreement by the 30th January 2020 to secure a travel plan monitoring fee of £2,407 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £85,799 (index linked) towards public open space at Wilson Street or the Mineral Line and, if the development is not substantially commenced within 18 months from the date of the grant of the planning permission, and the payment of such contribution if then found financially viable,**

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Prior approval of a scheme for the provision of 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced.**
- 4. Facing and roofing materials**
- 5. Boundary treatments**
- 6. Detailed design of waste bin storage compound**
- 7. Full landscaping scheme to include specimen replacement trees (larger and longer term type species)**
- 8. Tree and landscaping management plan**
- 9. Tree protection and retention proposals plan**
- 10. Schedule of works to retained trees**
- 11. Provision of access, parking, turning and servicing areas**
- 12. Surfacing materials, means of surface water drainage and delineation of the parking bays**
- 13. Car park management scheme**
- 14. Construction of a turning head including a Traffic Regulation Order for double yellow lines**
- 15. Off-site footpath widening works**
- 16. The access shall remain un-gated**
- 17. Secure weatherproof cycle parking facility**
- 18. Implementation of the agreed Travel Plan Framework**
- 19. Highway & Environmental Construction and Demolition Management Plan (CMP)**
- 20. Surface water drainage scheme**

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- 21. Prior approval of external lighting,**
- 22. Electric vehicle charging provision,**
- 23. Design measures to restrict impact on noise levels,**
- 24. Prior approval of noise impacts from building plant and machinery,**
- 25. Prior approval of overheating and cooling assessment,**
- 26. Assessment of emissions from combustion plant,**
- 27. Land contamination investigations and mitigation measures**
- 28. Construction and demolition hours**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Development Management either refuse the application on the grounds that without the obligation being secured, there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly and the potential payment of an appropriate policy compliant contribution for off-site open space should financial circumstances then permit; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.