

**SECOND SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**13<sup>th</sup> October 2020**

**Agenda Item 4**

**Application Ref. 20/00369/FUL**

**Land off Cross Street, Chesterton**

The views of the **Lead Local Flood Authority** have been received confirming they have no objections subject to conditions.

As set out in the supplementary report published on 9<sup>th</sup> October, the applicant has advised that the scheme cannot support the requested policy compliant contribution towards POS. Independent financial advice has now been received by the Authority. The report of Butters John Bee (BJB) concludes that the scheme is not viable and could not support any financial contribution. The report also states that deferment of the payments would not alter this conclusion.

The NPPF indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions however need to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply at this time. That will not be the case until the Joint Local Plan is finalised. The scheme does provide benefits through an increase to the supply of housing, particularly supported living accommodation for the over 55's, and the amount of affordable housing in the area. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result were no financial contribution made to improve such infrastructure.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution towards POS, if the site were to be found capable of financially supporting these features.

**The RECOMMENDATION is revised as follows:**

- A. Subject to the applicant first entering into a Section 106 agreement by the 13<sup>th</sup> January 2021 to secure a travel plan monitoring fee of £2,443 (index linked) and a review mechanism of the scheme's ability to make a policy compliant financial contribution of £5,579 for each family home, and £4,933 for each older persons accommodation that is provided (index linked) towards public open space nearby and, if the development is not substantially commenced within 12 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. Time limit for the implementation of Phase 1, the submission of applications for approval of reserved matters and the commencement of development.**
- 2. Approved plans**

3. Construction environmental and traffic management plan for the full and outline applications
4. Prior approval of a scheme for the 25% provision of 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.
5. Facing and roofing materials to be in accordance with approved plans for Phase 1
6. Boundary treatments to be in accordance with approved plans for Phase 1
7. Provision of access, parking, turning and servicing areas for Phase 1
8. Surfacing materials, means of surface water drainage and delineation of the parking bays for Phase 1
9. Implementation of Travel Plan Framework
10. Dwellings on Audley Road not to be occupied until TRO has been implemented
11. Prior approval of a tree protection plan
12. Reserved matters application to include replacement tree planting
13. Prior approval of a surface water drainage design
14. Prior approval of a foul drainage plan
15. Waste and storage collection arrangements
16. Sound insulation of facades of properties facing Audley Road.
17. Noise mitigation measures in accordance with the submitted acoustic report
18. Overheating mitigation where required.
19. Assessment of noise from kitchen extraction and other equipment in the supported living apartments
20. Control of noise and odour from kitchen facilities in the supported living apartments
21. Submission, with reserved matters application, of an assessment of the impacts of noise arising from the Red Lion public house
22. Electric vehicle charging
23. Land contamination conditions
24. Land contamination investigations and mitigation measures
25. Reserved matters application to include wildlife and habitat enhancements
26. No commencement of development until a Stage 1 Road Safety Audit of the proposed scheme to widen Gibson Grove carriageway has been approved. The highway works to proceed in accordance with the approval.
27. Provision of accesses and visibility splays in accordance with the approved plans prior to the development being brought into use.
28. Prior approval of layout, surfacing materials, and surface water drainage.
29. Alignment of utility apparatus
30. Arboricultural Method Statement (detailed)
31. Schedule of works to retained trees
32. Approval of landscaping proposals

**B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning 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.**